

Facility DEC ID: 8263200133

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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
 Permit ID: 8-2632-00133/02001
 Effective Date: 08/24/2022 Expiration Date: 08/23/2032

Permit Issued To: PLUG POWER INC
 968 ALBANY SHAKER RD
 LATHAM, NY 12110-6401

Contact: DAN O'CONNELL
 1025 JOHN ST
 WEST HENRIETTA, NY 14586
 (518) 441-2712

Facility: PLUG POWER INNOVATION CENTER
 1025 JOHN ST
 WEST HENRIETTA, NY 14586

Description:

Initial Air State Facility (ASF) Permit for the construction and operation of a proposed fuel cell manufacturing facility, referred to as “Plug Power Innovation Center” in the Town of West Henrietta, New York. Permitted facility operations consist of Emission Unit U-00001 which includes raw material handling, ink production, coating, and finishing processes to produce the fuel cells. Two natural gas-fired boilers are also permitted under Emission Unit U-00002.

The fuel cell production processes under U-00001 are subject to 6 NYCRR Subpart 228-1 for Surface Coating Operations and 6 NYCRR Part 212 for Process Emissions Sources. To comply with the applicable requirements of Subpart 228-1, the facility must install and operate a Regenerative Thermal Oxidizer (RTO) to control VOC emissions from coating operations. In addition, the facility is subject to limited requirements under 40 CFR 60, Subpart VVV.

This initial ASF permit establishes a federally enforceable emissions cap under 6 NYCRR 201-7.1 for VOC to limit facility emissions below Major Source Thresholds. As part of the emissions cap, the proposed RTO must meet a more stringent level of control than required under Subpart 228. Associated monitoring conditions are included to ensure compliance with the cap.

The facility operates two (1) permit-exempt natural gas-fired emergency generator that are subject to 40 CFR 60, Subpart JJJJ NSPS for Stationary Spark Ignition Internal Combustion Engines. The facility must comply with the applicable requirements of 40 CFR 60, Subpart JJJJ and a facility level general condition is included in the permit to identify that the emergency generator is subject to this rule.

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

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By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: THOMAS P HALEY
6274 E AVON LIMA RD
AVON, NY 14414-9519

Authorized Signature: _____ Date: ___ / ___ / ___

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Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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Facility Level

- 6 5 Submission of application for permit modification or renewal-REGION 8 HEADQUARTERS

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

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301 (2) (m)

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers
Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3

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

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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

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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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968 ALBANY SHAKER RD
LATHAM, NY 12110-6401

Facility: PLUG POWER INNOVATION CENTER
1025 JOHN ST
WEST HENRIETTA, NY 14586

Authorized Activity By Standard Industrial Classification Code:
3629 - ELEC INDUSTRIAL APPARATUS, NEC

Permit Effective Date: 08/24/2022

Permit Expiration Date: 08/23/2032

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EU=U-00001,Proc=100

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NOTE: * preceding the condition number indicates capping.

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FEDERALLY ENFORCEABLE CONDITIONS

FINAL

**** Facility Level ****

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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

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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

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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)

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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: Facility Permissible Emissions
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:6 NYCRR 201-7.1

Item 1.1:

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: 96,000 pounds per year

Condition 2: Capping Monitoring Condition
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:6 NYCRR 201-7.1

Item 2.1:

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 2.2:

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

Item 2.3:

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

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other state and federal air pollution control requirements, regulations or law.

Item 2.4:

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 2.5:

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 2.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY998-00-0 VOC

Item 2.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

To limit facility potential-to-emit (PTE) emissions of Volatile Organic Compounds (VOC) below the 48 tons per year Major Source Threshold, total facility VOC emissions are limited to a maximum of 48 tons per year, on a rolling twelve-month basis.

To demonstrate compliance with this limit, the facility must determine the actual 12-month rolling VOC emissions (in tons per year) from the facility on a monthly basis. VOC emissions should be calculated using production or equipment throughput data, sampling or testing data, control device manufacturer's information, published emission factors, or other information as appropriate.

Records of emissions, supporting information, and annual certifications must be maintained for a period of at least five years and made available to the Department upon request.

Parameter Monitored: VOC
Upper Permit Limit: 48 tons per year
Monitoring Frequency: MONTHLY

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Averaging Method: 12-MONTH TOTAL, ROLLED MONTHLY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2023.
 Subsequent reports are due every 12 calendar month(s).

Condition 3: Visible Emissions Limited
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:6 NYCRR 211.2

Item 3.1:
 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 4: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

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

Item 4.1:
 The Compliance Demonstration activity will be performed for the Facility.

Item 4.2:
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

At least 180 days, but not more than eighteen months, prior to the date of permit expiration, the facility owner or operator must submit as part of their next Air State Facility permit renewal application an air dispersion modeling protocol for Department review and approval. Within 60 days of Department approval of the protocol, the facility owner or operator must submit an update to the air dispersion modeling. This should include a review of facility process sources, their emission rates, and applicability of 6 NYCRR Part 212.

Monitoring Frequency: UPON PERMIT RENEWAL
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 5: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

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

Item 5.1:
 The Compliance Demonstration activity will be performed for the facility:

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The Compliance Demonstration applies to:

Emission Unit: U-00001
Process: 200

Emission Unit: U-00001
Process: 300

Emission Unit: U-00001
Process: 400

Regulated Contaminant(s):
CAS No: 000071-23-8 PROPANOL
CAS No: 000064-17-5 ETHYL ALCOHOL (ETHANOL)

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility process emissions of the above air contaminants have been assigned an Environmental Rating of B by the Department. In accordance with the requirements of 6 NYCRR 212-2.3(b), the facility owner or operator must demonstrate compliance with the applicable guideline concentrations in DEC Program Policy DAR-1. The facility owner or operator demonstrated compliance with the applicable DAR-1 guideline concentrations for these air contaminants in the air dispersion modeling completed at the time of initial permitting.

The Emission Rate Potential of the above air contaminants is less than 10 lbs per hour. Therefore, per Table 4 of 6 NYCRR 212-2.3(b), no emissions control is required.

The facility owner or operator must maintain records of the air dispersion modeling and supporting information for at least five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 6: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

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

Item 6.1:

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

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Emission Unit: U-00001
Process: 200

Emission Point: 1-INK

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

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

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

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.050 grains per dscf

Reference Test Method: USEPA Reference Test Method 5

Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 7: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 227-1.4 (a)

Item 7.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00002

Emission Point: 1-BLR

Emission Unit: U-00002

Emission Point: 2-BLR

Item 7.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20

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percent or greater from any stationary combustion installation, except for one six-minute period per hour of not more than 27 percent opacity. The Department reserves the right to perform or require the performance of an EPA Reference Test Method 9 opacity evaluation at any time during facility operation.

The facility owner or operator shall conduct a visible emissions observation of all emission points specified by this condition once per month while the process is in operation. The facility owner or operator will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard specified below.

The facility owner or operator shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the limit specified (except the emission of uncombined water) are observed for three consecutive operating days from the same emission point, the facility owner or operator will notify the Department of the observations within one business day. The facility owner or operator will also perform an EPA Reference Test Method 9 opacity evaluation analysis of the affected emission point and submit the results to the Department.

Daily records of the visible emissions observations, any follow-up Method 9 observations, investigations, and corrective actions taken are to be maintained on site for a period of at least five years from the date of the record. Such records shall include the date and time of each observation, weather conditions, results of the observation, corrective actions taken, and explanations for days when weather conditions were prohibitive. All records kept pursuant to this condition must be provided to the Department upon request.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Monitoring Frequency: MONTHLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 22)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 8: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 228-1.3 (a)

Item 8.1:

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

Emission Unit: U-00001

Emission Point: 1-RTO

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 8.2:

Compliance Demonstration shall include the following monitoring:

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

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 will be determined by conducting daily observations of visible emissions from the emission unit, process, etc. to which this condition applies. The observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow). Observations 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?

This logbook must be retained at the facility for five (5) years after the date of the last entry. If the operator observes any visible emissions (other than steam – see below) the permittee will immediately investigate any such occurrence and take corrective action, as necessary, to reduce or eliminate the emissions. If visible emissions persist after corrections are made, the permittee will immediately notify the department and may be required to conduct a Method 9 assessment within 24 hours to determine the degree of opacity.

Records of these observations, investigations and corrective actions will be kept on-site in a format acceptable to the department and the semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these instances.

**** NOTE **** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The

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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.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 9: Surface Coating- Prohibitions
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:6 NYCRR 228-1.3 (c)

Item 9.1:

This Condition applies to:

Emission Unit: U00001

Process: 100

Item 9.2:

(1) No person shall sell, supply, offer for sale, solicit, use, specify, or require for use, the application of a coating on a part or product at a facility with a coating line described in Subpart 228-1.1(a) if such sale, specification, or use is prohibited by any of the provisions of this Subpart. The prohibition shall apply to all written or oral contracts under the terms of which any coating is to be applied to any part or product at an affected facility. This prohibition shall not apply to the following:

(i) coatings utilized at surface coating lines where control equipment has been installed to meet the maximum permitted VOC content limitations specified in the tables of Subpart 228-1.4;

(ii) coatings utilized at surface coating lines where a coating system is used which meets the requirements specified in Subpart 228-1.5(d); and

(iii) coatings utilized at surface coating lines that have been granted variances pursuant to Subpart 228-1.5(e).

(2) Any person selling a coating for use in a coating line subject to Subpart 228-1 must, upon request, provide the user with certification of the VOC content of the coating supplied.

Condition 10: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

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Applicable Federal Requirement: 6 NYCRR 228-1.3 (d)

Item 10.1:

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

Emission Unit: U-00001
Process: 100

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within the work area(s) associated with a coating line, the owner or operator of an emission source subject to the requirements of 6 NYCRR Part 228 must:

- (a) Use closed, non-leaking containers to store or dispose of cloth or other absorbent applicators impregnated with VOC solvents that are used for surface preparation, cleanup or coating removal;
- (b) Store in closed, non-leaking containers spent or fresh VOC solvents to be used for surface preparation, cleanup or coating removal;
- (c) Not use VOC solvents to cleanup spray equipment unless equipment is used to collect the cleaning compounds and to minimize VOC evaporation;
- (d) Not use open containers to store or dispense surface coatings and/or inks unless production, sampling, maintenance or inspection procedures require operational access. This provision does not apply to the actual device or equipment designed for the purpose of applying a coating material to a substrate. These devices may include, but are not limited to spray guns, flow coaters, dip tanks, rollers, knife coaters, and extrusion coaters;
- (e) Not use open containers to store or dispose of spent surface coatings, or spent VOC solvents;
- (f) Minimize spills during the handling and transfer of coatings and VOC solvents; and
- (g) Clean hand held spray guns by one of the following:
 - (1) an enclosed spray gun cleaning system that is kept closed when not in use;

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(2) non-atomized discharge of VOC solvent into a paint waste container that is kept closed when not in use;

(3) disassembling and cleaning of the spray gun in a vat that is kept closed when not in use; or

(4) atomized spray into a paint waste container that is fitted with a device designed to capture atomized VOC solvent emissions.

Open containers, if found, shall be covered and such deviations shall be noted in a log maintained in the operating area. The log shall include the following information:

- date and time of observation
- description of observed deviation from this permit condition
- corrective measures taken, if necessary

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 11: Natural gas fired VOC incineration control device efficiency and seasonal shut down.
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:6 NYCRR 228-1.5 (b)

Item 11.1:

This Condition applies to:

Emission Unit: U00001
 Process: 100

Item 11.2:

Any VOC incinerator used as control equipment must be designed and operated to provide, at a minimum a 90 percent overall removal efficiency. The department may allow an owner or operator of a facility which uses a natural gas fired VOC incinerator as a control device for coating lines subject to this Subpart to shut down the VOC incinerator from November 1st through March 31st for the purposes of natural gas conservation, provided that the department has determined that this action will not jeopardize air quality.

Condition 12: Compliance Demonstration

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Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 228-1.5 (b)**Item 12.1:**

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

Emission Unit: U-00001

Process: 100

Emission Source: K0001

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 12.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

To comply with the requirements for controlling VOC emissions for surface coating processes under 6 NYCRR 228-1, VOC emissions from coating operations (Process 100) must be controlled by a minimum overall VOC removal efficiency of 90 percent (%). This requirement will be met through the installation and operation of the RTO (Control ID 00001) with a minimum overall control efficiency of 98%

The facility owner or operator must conduct an initial confirmatory stack test on Control 00001 within 180 days of the coating process/RTO (Process 100 and Control 00001) commencing operation to verify the overall removal efficiency. Testing must be conducted using the approved test methods under 6 NYCRR 228-1.6(d). Per 6 NYCRR 202-1, a stack test protocol must be submitted to the Department at least 30 days prior to conducting the test. A stack test report must be submitted to the Department in triplicate within 60 days of completing the test.

Subsequent testing must be completed once every ten-year permit term or on an a more frequent basis as necessary.

Records of completed stack tests and supporting documentation must be kept for a period of at least ten years and made available to the Department upon request.

Please note that the facility is electing to apply a more stringent degree of control than required under 6 NYCRR 228-1.5(b) to ensure VOC emissions remain under the

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emissions cap specified elsewhere in this permit.

Parameter Monitored: DESTRUCTION EFFICIENCY

Lower Permit Limit: 98 percent reduction

Reference Test Method: EPA Methods 18, 25, 25A

Monitoring Frequency: ONCE EVERY TEN YEARS

Averaging Method: Arithmetic average of stack test runs

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 13: Compliance Demonstration

Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 228-1.6 (f) (1)

Item 13.1:

The Compliance Demonstration activity will be performed for the facility:

The Compliance Demonstration applies to:

Emission Unit: U-00001

Process: 100

Emission Source: K0001

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

Item 13.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

To ensure proper operation of the regenerative thermal oxidizer (RTO) and on-going compliance with the 98 percent (%) overall removal efficiency limit, the RTO temperature must not fall below 1600 degrees F, on a 1-hour average basis.

As specified under 6 NYCRR 228-1.6(f)(1), to demonstrate compliance with this limit, the facility owner or operator must continuously monitor RTO temperature. RTO temperature readings must be recorded at a minimum of once every 15-minutes and incorporated into an hourly average. RTO temperature must be monitored using a continuous monitor that is installed, maintained, and calibrated in accordance with the manufacturer's recommendations.

If the RTO temperature falls below the limit above, the facility owner or operator must take immediate corrective action(s) to restore control equipment to its proper operating temperature. The facility owner or operator must record the reason and duration of any deviations from the limit above and any corrective actions taken.

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The temperature monitoring limit is based on the RTO initial manufacturer design and best engineering judgement and must be verified during the initial RTO performance test. If a change in this limit is required based on the initial RTO testing, the facility owner or operator must submit an application for a minor modification to incorporate the revised temperature limit into the permit.

The facility must keep records of the RTO temperature measurements during testing, 15-minute and 1-hour average temperatures, deviations, corrective actions, and any maintenance or calibration. These records must be kept for a period of at least five years and made available to the Department upon request.

Parameter Monitored: TEMPERATURE
 Lower Permit Limit: 1600 degrees Fahrenheit
 Monitoring Frequency: CONTINUOUS
 Averaging Method: 1-HOUR AVERAGE
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 14: Compliance Demonstration
 Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 228-1.6 (f) (1)

Item 14.1:
 The Compliance Demonstration activity will be performed for the facility:
 The Compliance Demonstration applies to:

Emission Unit: U-00001
 Process: 100 Emission Source: K0001

Item 14.2:
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

Calibration and/or validation checks of continuous parameter monitoring instruments (i.e, RTO temperature monitors) must be completed at a minimum on an annual basis. Annual checks must be completed according to the manufacturer's recommendations. Records of annual checks must be kept for a period of at least five years and made available to the Department upon request.

Monitoring Frequency: ANNUALLY
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 15: Compliance Demonstration
 Effective between the dates of 08/24/2022 and 08/23/2032

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Applicable Federal Requirement:6 NYCRR 228-1.6 (h)

Item 15.1:

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

Emission Unit: U-00001
Process: 100

Item 15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Any information or record showing noncompliance with the requirements of 228-1 'Surface Coating Processes' must be reported to the department within 30 days following notice or generation of the information or record. All records required by this condition must be maintained at the facility for a period of five years.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 16: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:40CFR 60, NSPS Subpart A

Item 16.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Owners or operators of affected sources that are subject to 40 CFR 60 must comply with the applicable general provisions of 40 CFR 60, Subpart A. The facility owner or operator is responsible for complying with all applicable, administrative, and reporting requirements.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 17: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:40CFR 60.48c(a), NSPS Subpart Dc

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Item 17.1:

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

Emission Unit: U-00002
Process: 500

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 18: Alternative recordkeeping
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 40CFR 60.48c(g)(2), NSPS Subpart Dc

Item 18.1:

This Condition applies to:

Emission Unit: U00002
Process: 500

Item 18.2:

As an alternative to meeting the requirements of 40 CFR 60.48c(g)(1), the owner or operator of an affected facility that combusts only natural gas, wood, fuels using fuel certification in 40 CFR 60.48c(f) to demonstrate compliance with the SO₂ standard, fuels not subject to an emissions standard (excluding opacity), or a mixture of these fuels may elect to record and

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maintain records of the amount of each fuel combusted during each calendar month.

Condition 19: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:40CFR 60.48c(i), NSPS Subpart Dc

Item 19.1:

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

Emission Unit: U-00002
Process: 500

Item 19.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 20: Applicability
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:40CFR 60, NSPS Subpart JJJJ

Item 20.1:

Facilities that have stationary spark ignition internal combustion engines must comply with applicable portions of 40 CFR 60 Subpart JJJJ.

Condition 21: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement:40CFR 60.744(b), NSPS Subpart VVV

Item 21.1:

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

Emission Unit: U-00001
Process: 100

Emission Unit: U-00001
Process: 200

Item 21.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

In accordance with the applicability criteria under 40 CFR 60.740(b), the facility owner or operator will limit the quantity of VOC used to less than 95 Megagrams per year, on a 12-month rolling basis.

Per the requirements under 40 CFR 60.744(b), the facility owner or operator must demonstrate compliance with this limit by:

- (1) Making semiannual estimates of the projected actual annual amount of VOC to be used for the manufacture of polymeric coated substrate at the affected coating operation in that year; and
- (2) Maintaining records of actual VOC use.

Consistent with the definition in 40 CFR 60.741, "VOC used" means means the amount of VOC delivered to the coating mix preparation equipment of the affected facility (including any contained in premixed coatings or other coating ingredients prepared off the plant site) for the formulation of polymeric coatings to be applied to supporting substrates at the coating operation, plus any solvent added after initial formulation is complete (e.g., dilution solvent added at the coating operation).

If VOC exceeds this limit during a 12-month period, the facility will become subject to all the applicable requirements under 40 CFR 60, Subpart VVV. Once a facility becomes subject to the requirements of this Subpart, it will remain subject to the requirements regardless of changes in annual VOC use. Exceedance of this limit alone shall not be considered a violation.

Records of projected and actual VOC use must be maintained for at least five years and made available to the Department upon request. Reports of projected and actual VOC use must be submitted as specified elsewhere in this permit and in 40 CFR 60.747(c).

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: COATING

Parameter Monitored: VOC

Upper Permit Limit: 95 Megagrams (10**6 grams) per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**** Emission Unit Level ****

Condition 22: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 40CFR 60.747(b), NSPS Subpart VVV

Item 22.1:

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

Emission Unit: U-00001
Process: 100

Emission Unit: U-00001
Process: 200

Item 22.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of an affected facility subject to the provisions of 60.742(c)(3) and claiming to use less than 130 Mega grams of VOC in the first year of operation and each owner or operator claiming to use less than 95 Mega grams of VOC in the first year of operation shall submit to the Administrator, with the notification of anticipated startup required under 60.7(a)(2) of the General Provisions, a material flow chart indicating projected VOC use. The owner or operator shall also submit actual VOC use records at the end of the initial year.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 23: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 40CFR 60.747(c), NSPS Subpart VVV

Item 23.1:

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

Emission Unit: U-00001
Process: 100

Emission Unit: U-00001
Process: 200

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Facility DEC ID: 8263200133

Item 23.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Each owner or operator of an affected facility subject to the provisions of 60.742(c)(3) and initially using less than 130 Mega grams of VOC per year and each owner or operator of an affected facility initially using less than 95 Mega grams of VOC per year shall:

- 1) Record semiannual estimates of projected VOC use and actual 12-month VOC use;
- 2) Report the first semiannual estimate in which the projected annual VOC use exceeds the applicable cutoff; and
- 3) Report the first 12-month period in which the actual VOC use exceeds the applicable cutoff.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 24: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable Federal Requirement: 6 NYCRR 228-1.6 (a)

Item 24.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001
Process: 100

Item 24.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Upon request by the Department, the owner or operator of an emission source subject to 6 NYCRR Part 228-1 must determine the actual VOC content of an as applied coating by measuring the volatile content, water content, density, volume of solids, and weight of solids in accordance with EPA Reference Test Method 311 or Method 24, included in Appendix A of 40 CFR parts 63 and 60 respectively, to demonstrate compliance with the requirements of Part 228-1.

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An alternate sampling method that has been approved by both the Department and the Administrator may be used when Method 311 and/or Method 24 are not appropriate.

Reference Test Method: EPA Reference Test Method 311 or 24

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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STATE ONLY ENFORCEABLE CONDITIONS

****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

(2) the equipment at the facility was being properly operated and maintained;

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

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

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

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

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

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

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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 25: Contaminant List

Effective between the dates of 08/24/2022 and 08/23/2032

Applicable State Requirement: ECL 19-0301

Item 25.1:

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

CAS No: 000064-17-5
Name: ETHYL ALCOHOL (ETHANOL)

CAS No: 000071-23-8
Name: PROPANOL

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

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CAS No: 0NY998-00-0

Name: VOC

Condition 26: Malfunctions and Start-up/Shutdown Activities
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable State Requirement: 6 NYCRR 201-1.4

Item 26.1:

(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 27: Emission Unit Definition
Effective between the dates of 08/24/2022 and 08/23/2032

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Applicable State Requirement:6 NYCRR Subpart 201-5

Item 27.1:

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

Emission Unit: U-00001

Emission Unit Description:

This emission unit consists of a fuel cell manufacturing line including, ink preparation, coating, clean-in-place operations, and membrane electrode assembly.

Building(s): BLDG1

Item 27.2:

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

Emission Unit: U-00002

Emission Unit Description:

This emission unit includes the operation of two natural gas-fired boilers - one (1) 10 MMBtu/hr hot water boiler and one (1) 16 MMBtu/hr steam boiler.

Building(s): BLDG1

**Condition 28: Renewal deadlines for state facility permits
Effective between the dates of 08/24/2022 and 08/23/2032**

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

Item 28.1:

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 29: Compliance Demonstration
Effective between the dates of 08/24/2022 and 08/23/2032**

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

Item 29.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 29.2:

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

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Region 8
6274 East Avon-Lima Rd.
Avon, NY 14414

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 30: Air pollution prohibited
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable State Requirement:6 NYCRR 211.1

Item 30.1:

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

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

Condition 31: Emission Point Definition By Emission Unit
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 31.1:

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

Emission Unit: U-00001

Emission Point: 1-CIP
Height (ft.): 30 Diameter (in.): 12
NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Emission Point: 1-INK
Height (ft.): 30 Diameter (in.): 4
NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Emission Point: 1-MEA
Height (ft.): 30 Diameter (in.): 4
NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Emission Point: 1-RTO
Height (ft.): 35 Diameter (in.): 36
NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Item 31.2:

Permit ID: 8-2632-00133/02001

Facility DEC ID: 8263200133

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

Emission Unit: U-00002

Emission Point: 1-BLR

Height (ft.): 33 Diameter (in.): 14
 NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Emission Point: 2-BLR

Height (ft.): 33 Diameter (in.): 14
 NYTMN (km.): 4771.749 NYTME (km.): 282.727 Building: BLDG1

Condition 32: Process Definition By Emission Unit
Effective between the dates of 08/24/2022 and 08/23/2032

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 32.1:

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

Emission Unit: U-00001

Process: 100 Source Classification Code: 4-02-999-98

Process Description:

This process includes surface coating operations. The VOC emissions from this process are controlled using a Regenerative Thermal Oxidizer (RTO) with a control efficiency of 98 percent (%).

Emission Source/Control: K0001 - Control

Control Type: THERMAL OXIDATION

Emission Source/Control: I0007 - Process

Item 32.2:

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

Emission Unit: U-00001

Process: 200 Source Classification Code: 3-01-020-18

Process Description:

This process includes ink/coating preparation. Specific steps include charging raw material into mixing vessels, mixing, and milling. Emissions from this process are exhausted through a common stack.

Emission Source/Control: I0002 - Process

Item 32.3:

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

Emission Unit: U-00001

Process: 300 Source Classification Code: 3-01-020-72

Process Description:

Permit ID: 8-2632-00133/02001

Facility DEC ID: 8263200133

This process consists of the cleaning of ink/coating vessels using a solvent.

Emission Source/Control: I0003 - Process

Item 32.4:

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

Emission Unit: U-00001

Process: 400

Source Classification Code: 4-02-025-99

Process Description:

This process corresponds to membrane electrode assembly (MEA) which consists of sealing of fuel cell components using silicone elastomer.

Emission Source/Control: I0004 - Process

Item 32.5:

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

Emission Unit: U-00002

Process: 500

Source Classification Code: 1-02-006-02

Process Description:

This process consists of the combustion of natural gas in boilers to generate process heat.

Emission Source/Control: C0005 - Combustion

Design Capacity: 16 million Btu per hour

Emission Source/Control: C0006 - Combustion

Design Capacity: 10 million Btu per hour

Permit ID: 8-2632-00133/02001

Facility DEC ID: 8263200133