

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 8323000008**



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

**IDENTIFICATION INFORMATION**

PAir State Facility  
Permit ID: 8-3230-00008/00005  
Effective Date: 08/20/2001  
Expiration Date: No expiration date

Permit Issued To: SENECA FOODS CORP  
3736 S MAIN ST  
MARION, NY 14505-9777

MARK FORSTING  
SENECA FOODS  
100 GAMBEE RD  
GENEVA, NY 14456

Facility: SENECA FOODS CORP  
100 GAMBEE RD  
GENEVA, NY 14456

Description:  
Initial State Facility Air Permit for an existing vegetable processing and canning plant. Permit includes the previously permitted boilers. The facility consists of three (3) Emission Units:

EU 1-BOILR 32.0 MMBtu dual fuel boiler that can fire natural gas or #6 fuel oil.

EU 2-BOILR 51.0 MMBtu dual fuel boiler that can fire natural gas or #6 fuel oil.

EU 3-PROCS includes steam blanchers and cookers, and exempt space heaters.

This permit contains "capping" conditions that restrict the facility emissions of Sulfur Dioxide (SO<sub>2</sub>) and Oxides of Nitrogen (NO<sub>x</sub>) to 198,800 pounds per year each based upon fuel consumption.

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:  
AVON LIMA RD

PETER A LENT  
DIVISION OF ENVIRONMENTAL PERMITS  
AVON, NY 14414-9519

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

FINAL



**Notification of Other State Permittee Obligations**

d Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

on 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 and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13(a)**

**Item 3.1:**

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

**Item 3.2:**

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

**and Revocations by the Department**

**Applicable State Requirement: 6NYCRR 621.14**

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 8323000008**



**Item 4.1:**

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

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

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

**Condition 5:      Submission of Applications for Permit Modification or Renewal -REGION 8  
HEADQUARTERS**  
**Applicable State Requirement:    6NYCRR 621.5(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  
(716) 226-2466



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: SENECA FOODS CORP  
3736 S MAIN ST  
MARION, NY 14505-9777

Facility: SENECA FOODS CORP  
100 GAMBEE RD  
GENEVA, NY 14456

Authorized Activity By Standard Industrial Classification Code:  
2033 - CANNED FRUITS AND VEGETABLES

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

Industrial and Commercial Sites

- 3 6NYCRR 200.7: Maintenance of equipment
- 7 6NYCRR 201-1.7: Recycling and Salvage
- 8 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 10 6NYCRR 201-3.2(a): Proof of Eligibility
- 11 6NYCRR 201-3.3(a): Proof of Eligibility
- 15 6NYCRR 202-1.1: Required emissions tests
- 16 6NYCRR 211.3: Visible emissions limited.
- 20 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 6 6NYCRR 201-1.5: Emergency Defense
- 9 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 12 6NYCRR 201-7.2(c): Facility Permissible Emissions
- \*13 6NYCRR 201-7.2(c): Compliance Demonstration
- \*14 6NYCRR 201-7.2(c): Compliance Demonstration
- 18 6NYCRR 225-1.2(d): Compliance Demonstration
- 19 40CFR 61.145, NESHAP Subpart M: Standard for demolition and renovation

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 21 6NYCRR 201-5: General Provisions
- 22 6NYCRR 201-5: Permit Exclusion Provisions
- 23 6NYCRR 201-5: Emission Unit Definition
- 24 6NYCRR 201-5.1(a)(1): General Conditions - Synthetic Minor Facilities Obtaining State Facility Permits
- 25 6NYCRR 201-5.3(b): Contaminant List
- 26 6NYCRR 211.2: Air pollution prohibited

**Emission Unit Level**

- 27 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 28 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping. Permit Effective Date: 08/20/2001  
Permit Expiration Date: No expiration date.

**New York State Department of Environmental Conservation**

Permit ID: 8-3230-00008/00005

Facility DEC ID: 8323000008



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**Condition 17: Open Fires Prohibited at Industrial and Commercial Sites**

**8/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 17.1:**

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

**Condition 3: Maintenance of equipment**

**8/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 3.1:**

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.

**Condition 7: Recycling and Salvage**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.7**

**Item 7.1:**

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.

**Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air**

**8/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.8**

**Item 8.1:**

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 10: Proof of Eligibility**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**





**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

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

**Item 10.1:**

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.

**Condition 11: Proof of Eligibility**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-3.3(a)**

**Item 11.1:**

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.

**Condition 15: Required emissions tests**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 15.1:**

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

**Condition 16: Visible emissions limited.**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 16.1:**

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-



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

minute period per hour of not more than 57 percent opacity.

**Condition 20: Recycling and Emissions Reduction**

**/2001 and Permit Expiration Date**

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

**Item 20.1:**

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVAC's in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR Part 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR Part 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR Part 82.161.
- d. Persons disposing of small appliances, MVAC's, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR Part 82.166. ("MVAC-like appliance as defined at 40 CFR Part 82.152)
- e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR Part 82.156.
- f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82.166.

**Condition 1: Sealing**

**/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.5**

**Item 1.1:**

(a) 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 labelling 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.

(b) 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.



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

**Condition 2: Acceptable ambient air quality**

**/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 2.1:**

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 4: Unpermitted Emission Sources**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.2**

**Item 4.1:**

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Condition 5: Unavoidable Noncompliance and Violations**

**/2001 and Permit Expiration Date**

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

**Item 5.1:**

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

- (a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

representative when requested to do so in writing or when so required by a condition of a permit or certificate issued for the corresponding air contamination source. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

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

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

**Condition 6: Emergency Defense**  
**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.5**

**Item 6.1:**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions in New York State.

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

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

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

(3) During the period of the emergency the facility owner and/or operator took all



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

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

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

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

**Condition 9: Public Access to Recordkeeping**  
**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-1.10(a)**

**Item 9.1:**

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

**Condition 12: Facility Permissible Emissions**  
**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-7.2(c)**

**Item 12.1:**

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: 007446-09-5                      PTE: 198,800 pounds per year  
Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0                      PTE: 198,800 pounds per year  
Name: OXIDES OF NITROGEN

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 08/20/2001 and Permit Expiration Date**



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

**Applicable Federal Requirement: 6NYCRR 201-7.2(c)**

**Item 13.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Total sulfur dioxide emissions are capped at 99 tons per year based upon boiler fuel usage and emission factors. Emission factors are from the "Compilation of Air Pollutant Emission Factor AP-42, Fifth Edition, Volume 1: Stationary Point and Area Sources" ( Supplement E (fuel oil) and Supplement D (natural gas)). Boiler fuel use and estimated emissions shall be kept on monthly basis, and a 12-month rolling total shall be used to determine compliance.

Emission factors from AP-42 are listed below:

No. 6 fuel oil:

SO<sub>2</sub>: 157 \* (S) lb / 1000 gallon fuel oil,  
where S = weight % sulfur in  
fuel

Natural gas:

SO<sub>2</sub>: 0.6 lb / million scf natural gas

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 1/30/2002.

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

**Condition 14: Compliance Demonstration**

**1/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-7.2(c)**

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



**Item 14.1:**

ied for the Facility.

Regulated Contaminant(s):

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

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Total nitrogen oxide emissions are capped at 99 tons per year based upon boiler fuel usage and emission factors. Emission factors are from the "Compilation of Air Pollutant Emission Factor AP-42, Fifth Edition, Volume 1: Stationary Point and Area Sources" ( Supplement E (fuel oil) and Supplement D (natural gas)). Boiler fuel use and estimated emissions shall be kept on monthly basis, and a 12-month rolling total shall be used to determine compliance.

Emission factors from AP-42 are listed below:

No. 6 fuel oil:

NOx: 55 lb / 1000 gallon fuel oil,

Natural gas:

NOx: 100 lb / million scf natural gas

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 1/30/2002.

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

**Condition 18: Compliance Demonstration**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

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

**Item 18.1:**

ied for the Facility.

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any fuel which contains sulfur in a quantity exceeding the following limitation. This limitation applies in all areas of New York with the exception of the Suffolk County towns of Babylon, Brookhaven, Huntington, Islip and Smithtown and the Erie County areas of the City of Lackawanna and South Buffalo.

Annual certifications of fuel sulfur content for deliveries January through December shall be submitted to the Department by January 30 of the following year.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 6 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

**Condition 19: Standard for demolition and renovation**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 61.145, NESHAP Subpart M**

**Item 19.1:** General: The demolition and renovation provisions of 40 CFR 61, Subpart M, section 145, have not been delegated to the New York State Department of Environmental Conservation. The United States Environmental Protection Agency is responsible for implementation of the regulation and has a Memorandum of Understanding with the New York State Department of Labor which inspects demolition and renovation projects involving regulated asbestos containing material (RACM). The permittee shall comply with the demolition and renovation standards in 40 CFR §61.145, as applicable.

a) All of the requirements of 40 CFR §61.145(b), Notifications, and §61.145(c), Procedures for asbestos emission control, apply for demolition of a facility (as defined in §61.141) where the combined amount of RACM to be removed is:

- i) at least 80 linear meters on pipes or at least 15 square meters on other facility components, or
- ii) at least 1 cubic meter off facility components where the length or area could not be measured



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



previously.

b) In a facility being demolished where the amount of RACM is less than the quantities above, only the notification requirements of paragraphs 61.145(b)(1), (2), (3)(i) and (iv), 4(i) through (vii), 4(ix), and 4(xvi) apply.

c) In a facility being renovated, all of the requirements of 40 CFR §61.145(b), Notifications, and §61.145(c), Procedures for asbestos emission control, apply if the combined amount of RACM to be stripped, removed, dislodged, cut, drilled, or similarly disturbed is:

i) at least 80 linear meters on pipes or at least 15 square meters on other facility components, or

ii) at least 1 cubic meter off facility components where the length or area could not be measured previously.

iii) to determine whether this applies to planned renovation operations including individual nonscheduled operations, the permittee shall predict the combined additive amount of RACM to be removed or stripped during each calendar year.

**Item 19.2:** Notification requirements: The permittee shall provide the USEPA Administrator with written notice of the intention to demolish or renovate as outlined in 40 CFR §61.145(b). The notice must be postmarked or delivered at least 10 working days before asbestos stripping, removal, or demolition begins. For planned renovation as described in Item 19.1(c)(ii) above, the permittee shall submit the notice at least 10 working days before the end of the calendar year preceding the year for which notice is being given.

**Item 19.3:** Procedures for asbestos emission control: The permittee shall comply with all applicable procedures for removal of RACM in 40 CFR §61.145(c). The procedures require, among other things that:

a) All RACM shall be removed before demolition or renovation, except under certain cases specified in §61.145(c)(i) through (iv).

b) All RACM being removed or stripped shall be adequately wetted and shall remain wetted until collected and contained or treated in preparation for disposal in accordance with 61.150, except as allowed in §61.145(c).

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**Condition 21: General Provisions**

**Effective 08/20/2001 and Permit Expiration Date**

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

**Item 21.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 21.2:**

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.

**Item 21.3:**

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.

**Condition 22: Permit Exclusion Provisions**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

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

**Item 22.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department inst the Applicant.

**Condition 23: Emission Unit Definition**  
**Effective between the dates of 08/20/2001 and Permit Expiration Date**

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

**Item 23.1:**

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

Emission Unit: 1-BOILR

Emission Unit Description:

CLEAVER BROOKS SEF L869 MODEL 1 DELTA  
BOILER RATED AT 32.0 MMBTU/HR. THE BOILER  
IS CAPABLE OF FIRING NATURAL GASS OR NO. 6  
FUEL OIL, IDENTIFIED AS PROCESSES 101 AND  
102 RESPECTIVELY.

Building(s): 01

**Item 23.2:**

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

Emission Unit: 2-BOILR

Emission Unit Description:

MURRAY BOILER RATED AT 51.0 MMBTU/HR  
MAXIMUM HEAT INPUT. THE BOILER IS CAPABLE  
OF FIRING NATURAL GAS OR #6 FUEL OIL,  
IDENTIFIED AS PROCESS 201 AND PROCESS 202  
RESPECTIVELY.

Building(s): 01

**Item 23.3:**

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

Emission Unit: 3-PROCS

Emission Unit Description:



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

EMISSION UNIT COMPRISES OF VARIOUS STEAM  
BLANCHERS AND COOKERS. STEAM IS RELEASED  
DURING THE PROCESSING OF VEGETABLES. IT  
ALSO INCLUDES SEVERAL EXEMPT SPACE HEATERS  
LOCATED THROUGH OUT THE FACILITY.

Building(s): 02

**Condition 24: General Conditions - Synthetic Minor Facilities Obtaining  
State Facility Permits**

**/2001 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5.1(a)(1)**

**Item 24.1:**

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

**Item 24.2:**

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 24.3:**

On an annual basis, 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 those threshold levels that would require the submission of an application for a Title V facility permit, or compliance with an applicable requirement.

**Item 24.4:**

The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

**Condition 25: Contaminant List**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

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

**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: 0NY210-00-0

Name: OXIDES OF NITROGEN



**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

**Condition 26: Air pollution prohibited**

**/2001 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 26.1:**

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 27: Emission Point Definition By Emission Unit**

**Effective between the dates of 08/20/2001 and Permit Expiration Date**

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

**Item 27.1:**

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

Emission Unit: 1-BOILR

Emission Point: 00001

Height (ft.): 22

Diameter (in.): 32

NYTMN (km.): 4750.7

NYTME (km.): 337.6

Building: 01

**Item 27.2:**

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

Emission Unit: 2-BOILR

Emission Point: 00002

Height (ft.): 22

Diameter (in.): 35

NYTMN (km.): 4750.7

NYTME (km.): 337.6

Building: 01

**Condition 28: Process Definition By Emission Unit**

**/2001 and Permit Expiration Date**

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



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

**Item 28.1:**

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

Emission Unit: 1-BOILR

Process: 101

Source Classification Code: 1-02-006-02

Process Description:

32.0 MMBTU/HR BOILER FOR THE PRODUCTION OF  
STEAM USED IN PROCESSING CANNED VEGETABLES.  
THE BOILER IS FIRED WITH NATURAL GAS.  
ONLY PROCESS 101 OR PROCESS 102 WILL BE  
OPERATED AT ANY TIME.

Emission Source/Control: 00001 - Combustion

Design Capacity: 32 million Btu per hour

**Item 28.2:**

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

Emission Unit: 1-BOILR

Process: 102

Source Classification Code: 1-02-004-01

Process Description:

32.0 MMBTU/HR BOILER FOR THE PRODUCTION OF  
STEAM USED IN PROCESSING CANNED VEGETABLES.  
THE BOILER IS FIRED WITH NO. 6 FUEL OIL.  
ONLY PROCESS 101 OR PROCESS 102 WILL BE  
OPERATED AT ANY TIME.

Emission Source/Control: 00001 - Combustion

Design Capacity: 32 million Btu per hour

**Item 28.3:**

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

Emission Unit: 2-BOILR

Process: 201

Source Classification Code: 1-02-006-02

Process Description:

51.0 MMBTU/HR BOILER FOR THE PRODUCTION OF  
STEAM USED IN PROCESSING CANNED VEGETABLES.  
THE BOILER IS FIRED WITH NATURAL GAS. ONLY  
PROCESS 201 OR PROCESS 202 WILL BE OPERATED  
AT ANY TIME.

Emission Source/Control: 00002 - Combustion

Design Capacity: 51 million Btu per hour

**New York State Department of Environmental Conservation**

**Permit ID: 8-3230-00008/00005**

**Facility DEC ID: 8323000008**



**Item 28.4:**

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

Emission Unit: 2-BOILR

Process: 202

Source Classification Code: 1-02-004-01

Process Description:

51.0 MMBTU/HR BOILER FOR THE PRODUCTION OF  
STEAM USED IN PROCESSING CANNED VEGETABLES.  
THE BOILER IS FIRED WITH NO. 6 FUEL OIL.  
ONLY PROCESS 201 OR PROCESS 202 WILL BE  
OPERATED AT ANY TIME.

Emission Source/Control: 00002 - Combustion

Design Capacity: 51 million Btu per hour