



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-0622-00170/00002
Effective Date: 05/04/2016 Expiration Date: 05/03/2026

Permit Issued To: SOUTHERN TIER BREWING COMPANY LLC
2072 Stoneman Cir
PO Box 166
Lakewood, NY 14750

Contact: PHINEAS DEMINK
2072 STONEMAN CIR
LAKEWOOD, NY 14750
(716) 763-5479

Facility: SOUTHERN TIER BREWING COMPANY
2072 STONEMAN CIR
LAKEWOOD, NY 14750

Description:

Southern Tier Brewing Co. is a facility that specializes in the production of malt beverages. The brewery produces approximately 150,000 barrels per year with a maximum production of 250,000 barrels per year. Some of the product is sold onsite, and the rest is sold to various retailers and bars/restaurants. Facility operations consist of handling grains and other raw materials, brewing and packaging beer in kegs and bottles, and operation of a wastewater settling tank. Grain handling at this facility is exempt from permitting under 6 NYCRR Part 201-3.2(c)(8) provided that appropriate emission controls are used.

A natural gas boiler is used to provide heat for the brewing process. The max input for the boiler is 10.46 million BTU/hr and is not an exempt emission source. The boiler is subject to several requirements in 6 NYCRR Part 227 for stationary combustion installations, as well as 40 CFR 60 Subpart Dc for stationary sources installed after June 9, 1989. There are also several natural gas space heaters and hot water heaters which are exempt per 6 NYCRR Part 201-3.2(c)(1).

Due to odor complaints that the Department has received from nearby residents, air dispersion modeling was done using AerScreen to assess the impact of Dimethyl Sulfide (DMS), which is an odorant that is produced during the brewing process. Predicted results were compared to the NYSDEC Annual Guidance Concentrations (AGC) and Short-term Guidance Concentrations (SGC). No adverse impacts were identified.



New York State Department of Environmental Conservation
Facility DEC ID: 9062200170



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: LISA M CZECHOWICZ
 NYSDEC - REGION 9
 270 MICHIGAN AVE
 BUFFALO, NY 14203-2915

Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

- Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS



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

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

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

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.3:

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

Condition 4: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 4.1:

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:



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

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

Condition 5: Submission of application for permit modification or renewal-REGION 9 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 9 Headquarters
Division of Environmental Permits
270 Michigan Avenue
Buffalo, NY 14203-2915
(716) 851-7165

New York State Department of Environmental Conservation

Permit ID: 9-0622-00170/00002

Facility DEC ID: 9062200170



Permit Under the Environmental Conservation Law (ECL)

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

IDENTIFICATION INFORMATION

Permit Issued To: SOUTHERN TIER BREWING COMPANY LLC
2072 Stoneman Cir
PO Box 166
Lakewood, NY 14750

Facility: SOUTHERN TIER BREWING COMPANY
2072 STONEMAN CIR
LAKEWOOD, NY 14750

Authorized Activity By Standard Industrial Classification Code:
2082 - MALT BEVERAGES

Permit Effective Date: 05/04/2016

Permit Expiration Date: 05/03/2026



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 201-6.4 (g): Non Applicable requirements
- 2 6 NYCRR 211.1: Air pollution prohibited
- 3 6 NYCRR 211.1: Compliance Demonstration

Emission Unit Level

EU=1-00001,EP=00001,Proc=FAC,ES=BOIL1

- 4 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 5 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 6 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration
- 7 40CFR 60.48c(g)(2), NSPS Subpart Dc: Alternative Recordkeeping
- 8 40CFR 60.48c(g)(3), NSPS Subpart Dc: Reporting and Recordkeeping Requirements

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 9 ECL 19-0301: Contaminant List
- 10 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 11 6 NYCRR Subpart 201-5: Emission Unit Definition
- 12 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 13 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 14 6 NYCRR 211.2: Visible Emissions Limited

Emission Unit Level

- 15 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 16 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

EU=1-00001

- 17 6 NYCRR 212-2.3 (b): Compliance Demonstration



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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



required to operate such device effectively.

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

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

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

Item E: Emergency Defense - 6 NYCRR 201-1.5

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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



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

Item F: Recycling and Salvage - 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 G: 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 H: 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 I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)

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

Item J: 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 K: 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 L: 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 M: Federally Enforceable Requirements - 40 CFR 70.6 (b)**
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Non Applicable requirements



Effective between the dates of 05/04/2016 and 05/03/2026

Applicable Federal Requirement:6 NYCRR 201-6.4 (g)

Item 1.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

Condition 2: Air pollution prohibited

Effective between the dates of 05/04/2016 and 05/03/2026

Applicable Federal Requirement:6 NYCRR 211.1

Item 2.1:

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.

Condition 3: Compliance Demonstration

Effective between the dates of 05/04/2016 and 05/03/2026

Applicable Federal Requirement:6 NYCRR 211.1

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Southern Tier Brewing Co. shall operate in a manner such that odor from their processes does not create a nuisance for the surrounding homes and businesses. If a nuisance is confirmed, Southern Tier Brewing Co will be required to take engineering measures to control the odor. The odor control plan must be approved by the NYSDEC.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**** Emission Unit Level ****

Condition 4: Compliance Demonstration
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable Federal Requirement: 6 NYCRR 227-1.3 (a)

Item 4.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001	Emission Point: 00001
Process: FAC	Emission Source: BOIL1

Item 4.2:

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 emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit BOIL1 on a monthly basis. The permittee will immediately investigate any instance where there is cause to believe that visible emissions above those that are normal and in compliance are occurring or have occurred.

If visible emissions above those that are normal (this may be zero percent opacity for many or all emission sources) and in compliance with 6NYCRR Part 227.1.3(a) are detected, the permittee shall determine the cause, make the necessary correction, and verify that the excess visible emissions problem has been corrected.

If visible emissions above those that are normal and in compliance continue to be present after corrections are made, the permittee will immediately notify the Department and 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.

Parameter Monitored: OPACITY

New York State Department of Environmental Conservation

Permit ID: 9-0622-00170/00002

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Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: MONTHLY
Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -
SEE MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Demonstration
Effective between the dates of 05/04/2016 and 05/03/2026

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

Item 5.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001	Emission Point: 00001
Process: FAC	Emission Source: BOIL1

Item 5.2:

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: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 6: Compliance Demonstration
Effective between the dates of 05/04/2016 and 05/03/2026

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

New York State Department of Environmental Conservation

Permit ID: 9-0622-00170/00002

Facility DEC ID: 9062200170



Item 6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001
Process: FAC

Emission Point: 00001
Emission Source: BOIL1

Item 6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall record and maintain records of the amount of fuels combusted during each calendar month in the source, provided that the facility only burns very low sulfur fuel oil or other liquid or gaseous fuels with a potential sulfur dioxide (SO₂) emissions rate of 0.32 lb/MMBtu (140 ng/J) heat input or less. The records for the amount of fuel burned monthly must be made available for review upon request.

Monitoring Frequency: MONTHLY

Averaging Method: CALENDAR MONTH TOTAL

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 7: Alternative Recordkeeping
Effective between the dates of 05/04/2016 and 05/03/2026

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

Item 7.1:

This Condition applies to Emission Unit: 1-00001 Emission Point: 00001
Process: FAC Emission Source: BOIL1

Item 7.2:

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

Condition 8: Reporting and Recordkeeping Requirements
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable Federal Requirement:40CFR 60.48c(g)(3), NSPS Subpart Dc

Item 8.1:

This Condition applies to Emission Unit: 1-00001 Emission Point: 00001
Process: FAC Emission Source: BOIL1

Item 8.2:

New York State Department of Environmental Conservation

Permit ID: 9-0622-00170/00002

Facility DEC ID: 9062200170



As an alternative to meeting the requirements of 40 CFR 60.48c(g)(1), the owner or operator of an affected facility or multiple affected facilities located on a contiguous property unit where the only fuels combusted in any steam generating unit (including steam generating units not subject to this subpart) at that property are natural gas, wood, distillate oil meeting the most current requirements in 40 CFR 60.42c to use fuel certification to demonstrate compliance with the SO₂ standard, and/or fuels, excluding coal and residual oil, not subject to an emissions standard (excluding opacity) may elect to record and maintain records of the total amount of each steam generating unit fuel delivered to that property during each calendar month.



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

**Condition 9: Contaminant List
Effective between the dates of 05/04/2016 and 05/03/2026**



Applicable State Requirement:ECL 19-0301

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

No contaminants.

Condition 10: Malfunctions and start-up/shutdown activities
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable State Requirement:6 NYCRR 201-1.4

Item 10.1:

(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 malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, 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 stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and 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. 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, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the 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 11: Emission Unit Definition

New York State Department of Environmental Conservation

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Effective between the dates of 05/04/2016 and 05/03/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 11.1:

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

Emission Unit: 1-00001

Emission Unit Description:

Emission unit 1-00001 is defined as the entire facility with all emissions. Emissions include brewing emissions, natural gas boiler emissions, biogas boiler emissions, biogas industrial flare emissions, and fugitive emissions.

Building(s): BREW
DIG

Condition 12: Renewal deadlines for state facility permits

Effective between the dates of 05/04/2016 and 05/03/2026

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

Item 12.1:

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 13: Compliance Demonstration

Effective between the dates of 05/04/2016 and 05/03/2026

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

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Division of Air Resources
NYS Dept. of Environmental Conservation
Region 9
270 Michigan Ave.
Buffalo, NY 14203

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

New York State Department of Environmental Conservation

Permit ID: 9-0622-00170/00002

Facility DEC ID: 9062200170



DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 14: Visible Emissions Limited
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable State Requirement:6 NYCRR 211.2

Item 14.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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

Condition 15: Emission Point Definition By Emission Unit
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 15.1:

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

Emission Unit: 1-00001

Emission Point: 00001

Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4668.802 NYTME (km.): 140.308 Building: BREW

Emission Point: 00002

Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4668.802 NYTME (km.): 140.308 Building: BREW

Emission Point: 00003

Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4668.802 NYTME (km.): 140.308 Building: BREW

Emission Point: 00004

Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4668.802 NYTME (km.): 140.308 Building: BREW

Emission Point: 00005

Height (ft.): 40 Diameter (in.): 12
NYTMN (km.): 4668.802 NYTME (km.): 140.308 Building: BREW

Condition 16: Process Definition By Emission Unit
Effective between the dates of 05/04/2016 and 05/03/2026

Applicable State Requirement:6 NYCRR Subpart 201-5

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Item 16.1:

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

Emission Unit: 1-00001

Process: FAC

Process Description:

The entire brewing process including grain receiving, brewing, heating, fermenting, bottling, wastewater treatment, and biogas burning.

Emission Source/Control: BOIL1 - Combustion

Design Capacity: 250 horsepower (boiler)

Emission Source/Control: FAN01 - Process

Design Capacity: 500 cubic feet per minute

Emission Source/Control: FAN02 - Process

Design Capacity: 500 cubic feet per minute

Emission Source/Control: FAN03 - Process

Design Capacity: 500 cubic feet per minute

Emission Source/Control: FAN04 - Process

Design Capacity: 500 cubic feet per minute

Emission Source/Control: FLARE - Process

Design Capacity: 530 cubic feet per minute

Condition 17: Compliance Demonstration

Effective between the dates of 05/04/2016 and 05/03/2026

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

Item 17.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-00001

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility owner or operator shall not allow emissions of an air contaminant to violate the requirements specified in Subdivision 212-2.3(b), Table 4 – Degree of Air Cleaning Required for Non-Criteria Air Contaminants for the environmental rating assigned to the contaminant by the department.

A process emission source emitting an air contaminant and

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having an emission rate potential (ERP) of less than 10 pounds per hour and a Environmental Rating of B or C must meet the annual and short term guideline concentrations for the air contaminant at the fenceline of the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

