

Facility DEC ID: 9146400021

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-1464-00021/00006  
Effective Date: 01/21/2022 Expiration Date: 01/20/2032

Permit Issued To: Univar Solutions USA, LLC  
3075 Highland Pkwy  
Ste 200  
Downers Grove, IL 60515

Contact: Sean T O'Leary  
3709 River Rd  
Tonawanda, NY 14150-6507  
(716) 874-1601

Facility: UNIVAR SOLUTIONS USA INC  
3709 RIVER RD  
TONAWANDA, NY 14150

**Description:**

This Air State Facility (ASF) permit is being issued to Univar Solutions USA Inc. Univar Solutions USA Inc owns and operates a chemical distribution facility at 3709 River Road in the City of Tonawanda, Erie County, New York (hereafter, Facility). Univar Solutions USA Inc is a distributor of industrial chemicals. The Facility purchases chemicals from manufacturers; which are delivered via trucks or railcar and the Facility also distributes smaller quantities to customers. Bulk chemicals are received via tanker truck or railcar and either transloaded into a storage tank in the tank farm, or into a tanker truck, or to the container filling area then placed into either drums or International Bulk Containers (hereafter IBC or tote). Some chemicals are received as packaged goods from the supplier and received on box or van trucks and warehoused on-site prior to going out to the customer. The Facility includes a 39,000 square foot building for product transfers and warehousing. In addition, the Facility has a railcar unloading area, a tank truck unloading area, a truck trailer loading area, and several aboveground storage tanks. All of the storage tanks and tanker trucks at the Facility are submerged filled.

The aboveground storage tank (AST) farm consists of 20 ASTs (each at 12,000 gallons capacity) that are configured into 38 compartments, plus one additional 25,000 gallon AST, and one blend tank. Each storage tank is equipped with a permanent submerged fill pipe and flame arrestors. The three Emission Units are the following:

Storage and Blending Tanks;  
Container Filling; and  
Tanker Truck Filling.

Tanks 1 through 38 and 40 used for storage of product are horizontal storage tanks and are therefore exempt from air permitting per 6 NYCRR Part 201-3.2(c)(26). Blend Tank #39 and in-situ blending in storage tanks are not exempt from permitting. The Facility also has two small natural gas fired boilers rated at under 10 Million BTU/hour heat input (MMBtu/hr) and

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are therefore exempt from air permitting per 6 NYCRR Part 201-3.2(c)(1).

Univar Solutions conducted an analysis demonstrating compliance with Part 212. As part of this analysis, Univar Solutions has demonstrated compliance with the annual and short-term guideline concentrations (AGC/SGC) for non-criteria air pollutant emissions from process emission sources subject to Part 212. The modeling report is consistent with the modeling methodology in the approved protocol. In accordance with 6 NYCRR Part 212-1.4(a), process emission sources that are exempt or trivial under Part 201 are excluded from applicability to Part 212. The exempt processes not subject to Part 212 include the following:

- Horizontal storage tanks
  - Two natural gas fired boilers with heat input capacity below 10 MMBtu/hour
- Non-exempt or non-trivial process emission sources at Univar Solutions potentially subject to Part 212 include the following:

- In-situ Blending in six (6) Storage Tanks;
- Blending Tank 39;
- Truck Loading Operations;
- Manual Container Filling; and
- Automatic Container Filling.

Emissions from the facility consist of both a high toxicity air contaminant (HTAC) and non-HTAC compounds.

The single HTAC compound is emitted below its compound-specific Mass Emission Limit (MEL) listed in Table 2 of Part 212 and therefore satisfies the requirements of Part 212-2.1(a) and does not require additional air dispersion modeling. All non-HTACs with a potential to emit that falls below 100 pounds per year (lb/yr) have no substantive Part 212 requirements as described in DAR-1. For each pollutant, the modeled concentrations across the discrete receptor grid and the sensitive receptors are below the AGC and SGC thresholds.

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:            MARK F PASSUITE  
    NYSDEC - REGION 9  
    270 MICHIGAN AVE  
    BUFFALO, NY 14203-2915

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**

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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 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

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

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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Permit Issued To: Univar Solutions USA, LLC  
3075 Highland Pkwy  
Ste 200  
Downers Grove, IL 60515

Facility: UNIVAR SOLUTIONS USA INC  
3709 RIVER RD  
TONAWANDA, NY 14150

Authorized Activity By Standard Industrial Classification Code:  
5169 - CHEMICALS AND ALLIED PRODUCTS, NEC

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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: Visible Emissions Limited**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 1.1:**

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 2: Compliance Demonstration**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable Federal Requirement:6 NYCRR 212-2.1 (b)**

**Item 2.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 2.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

This throughput limit was used to determine potential air emissions for the permit and dispersion modeling performed under Part 212 using the chemical with the highest emission rate.

For the dispersion modeling and to show compliance with the AGC values, it was assumed that the emissions generated from the entire 15,000,000 gallons of facility-wide throughput happened for each chemical processed at the facility. This is a conservative

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approach as the facility would not operate in this manner.  
 The facility would likely have throughput of many chemicals over the course of the year and the actual emissions would be lower than the potentials based on transferring 15,000,000 gallons of a single product.

Parameter Monitored: VOLUME  
 Upper Permit Limit: 15,000,000 gallons  
 Monitoring Frequency: MONTHLY  
 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).

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

**Condition 3: Compliance Demonstration**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable Federal Requirement: 6 NYCRR 212-2.1 (b)**

**Item 3.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 2-CONF

Regulated Contaminant(s):

CAS No: 000101-02-0      TRIPHENYL PHOSPHITE

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The container filling process annual throughput of triphenyl phosphite will be limited to 1,250,000 gallons per year to reduce annual off-site impacts below the NYSDEC annual guideline concentration (AGC). Note: Since triphenyl phosphite does not have an AGC published in DAR-1, the facility received an AGC of 0.7 for triphenyl phosphate from DEC's Air Resources Toxics Division in Albany. The Toxics Division determined that the appropriate analogy for triphenyl phosphite is triphenyl phosphate.

This throughput limit applies to the combination of automated container filling and manual container filling. Emissions were based on the maximum pump rates at the

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facility.

Parameter Monitored: VOLUMETRIC FLOW RATE  
Upper Permit Limit: 1,250,000 gallons per year  
Monitoring Frequency: MONTHLY  
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 4: Compliance Demonstration**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable Federal Requirement: 6 NYCRR 212-2.1 (b)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 3-TRUCK

Regulated Contaminant(s):  
CAS No: 000141-78-6 ETHYL ACETATE

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

The tanker truck filling rate of ethyl acetate will be limited to 2,400 gallons per hour to limit the emission rate potential to below Part 212 Table 4 thresholds for requiring emission control. Emissions were based on the maximum pump rates at the facility.

Parameter Monitored: VOLUMETRIC FLOW RATE  
Upper Permit Limit: 2,400 gallons per hour  
Monitoring Frequency: HOURLY  
Averaging Method: 1 HOUR MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME  
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).

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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 5: Contaminant List**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable State Requirement: ECL 19-0301**

**Item 5.1:**

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

CAS No: 000101-02-0  
Name: TRIPHENYL PHOSPHITE

CAS No: 000141-78-6  
Name: ETHYL ACETATE

**Condition 6: Malfunctions and Start-up/Shutdown Activities**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

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**Applicable State Requirement:6 NYCRR 201-1.4****Item 6.1:**

(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 7: Emission Unit Definition**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

**Applicable State Requirement:6 NYCRR Subpart 201-5****Item 7.1:**

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

Emission Unit: 1-TANKS

Emission Unit Description:

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Univar has above ground storage tanks for blending chemicals. This emission unit consists of the following storage tanks: six (6) in-situ mixing/blending tanks with capacity up to 12,000 gallons each and one (1) 8,000-gallon blend tank. Following in-situ mixing, mixed product is stored in the tank until transferred out by Univar.

Building(s): BLDG01

**Item 7.2:**

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

Emission Unit: 2-CONTF

Emission Unit Description:

Univar repackages chemicals into smaller containers for shipment and delivery to customers. The container filling area receives chemicals from on-site tanks or directly from incoming trucks and railcars.

Building(s): BLDG01

**Item 7.3:**

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

Emission Unit: 3-TRUCK

Emission Unit Description:

Truck loading operations are used to fill tractor trailer sized tankers with chemicals to ship to customers. Tanker trucks are filled with product in this emission unit.

Building(s): BLDG01

**Condition 8: Renewal deadlines for state facility permits**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

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

**Item 8.1:**

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 9: CLCPA Applicability**  
**Effective between the dates of 01/21/2022 and 01/20/2032**

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

**Item 9.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse

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gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 10: Compliance Demonstration**  
Effective between the dates of 01/21/2022 and 01/20/2032

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

**Item 10.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 10.2:**

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 DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 11: Air pollution prohibited**  
Effective between the dates of 01/21/2022 and 01/20/2032

**Applicable State Requirement:6 NYCRR 211.1**

**Item 11.1:**

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 12: Emission Point Definition By Emission Unit**  
Effective between the dates of 01/21/2022 and 01/20/2032

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

**Item 12.1:**

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

Emission Unit: 1-TANKS

Emission Point: PT001

Height (ft.): 14 Diameter (in.): 2  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

Emission Point: PT002

Height (ft.): 12 Diameter (in.): 2  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

Emission Point: PT003

Height (ft.): 12 Diameter (in.): 2  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

Emission Point: PT004

Height (ft.): 16 Diameter (in.): 2  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

**Item 12.2:**

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

Emission Unit: 2-CONTF

Emission Point: PT005

Height (ft.): 32 Diameter (in.): 6  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

Emission Point: PT006

Height (ft.): 32 Diameter (in.): 6  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

**Item 12.3:**

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

Emission Unit: 3-TRUCK

Emission Point: PT007

Height (ft.): 11 Diameter (in.): 2  
 NYTMN (km.): 4765.789 NYTME (km.): 179.801 Building: BLDG01

**Condition 13: Process Definition By Emission Unit**

Effective between the dates of 01/21/2022 and 01/20/2032

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

**Item 13.1:**

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

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Emission Unit: 1-TANKS  
Process: BLN Source Classification Code: 4-07-146-98  
Process Description:  
Blending of chemical on-site in the Blend Tank or In Situ  
Blending tanks.

Emission Source/Control: BT039 - Process  
Design Capacity: 8,000 gallons

Emission Source/Control: INST1 - Process  
Design Capacity: 12,000 gallons

Emission Source/Control: INST2 - Process  
Design Capacity: 12,000 gallons

Emission Source/Control: INST3 - Process  
Design Capacity: 12,000 gallons

**Item 13.2:**

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

Emission Unit: 2-CONTF  
Process: CFL Source Classification Code: 4-90-999-98  
Process Description:  
Filling small containers (totes, drums, pails) with  
product.

Emission Source/Control: AUTOF - Process  
Design Capacity: 3,600 gallons per hour

Emission Source/Control: MANFL - Process  
Design Capacity: 3,600 gallons per hour

**Item 13.3:**

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

Emission Unit: 3-TRUCK  
Process: TRF Source Classification Code: 4-08-999-95  
Process Description: Loading tanker trucks with chemical products.

Emission Source/Control: TRU01 - Process  
Design Capacity: 6,000 gallons per hour

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