

Facility DEC ID: 9146800246

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
 Permit ID: 9-1468-00246/00003  
 Effective Date: 12/10/2021 Expiration Date: 12/09/2031

Permit Issued To: ROSINA FOOD PRODUCTS INC  
 170 French Rd  
 CHEEKTOWAGA, NY 14227-2712

3100 Clinton Street, LLC  
 3100 Clinton St  
 West Seneca, NY 14224

Contact: Curtis Froebel  
 170 French Rd  
 Buffalo, NY 14227  
 (716) 608-8552

Facility: Rosina Food Products Inc  
 3100 Clinton St  
 West Seneca, NY 14224

**Description:**

Rosina Food Products Inc (Rosina) is constructing a new facility at 3100 Clinton Street in West Seneca, NY (Erie County) which will operate one electric-powered Cookstar Oven with steam assist to cook Italian meats to United States Department of Agriculture (USDA) standards, and one 0.54 million Btu per hour (MMBtu/hr) natural gas-fired searing unit that allows the facility to label USDA products as flame-broiled. In the facility’s process, raw meat will be ground up in grinders, after which it will be mixed with spices in the mixers and fed to a former to create the shape of the meatball prior to being steam cooked in an oven. The steam used to cook the formed meatballs in the oven is produced via a 10.2 MMBtu/hr Cleaver-Brooks natural gas-fired boiler and an 8.0 MMBtu/hr Fulton natural gas-fired thermal fluid heater is used to control the temperature of the oven. The Cookstar Oven chamber exhausts to the roof.

The facility will also operate two Kemco natural gas-fired hot water heaters, rated 2.0 MMBtu/hr and 9.0 MMBtu/hr, to generate hot water for use in plant operations; and one Generac emergency generator powered by a natural gas-fired 304-horsepower (hp) engine will be on-site for emergency purposes and routine maintenance.

Emissions from the natural-gas fired Cleaver-Brooks boiler, searing unit, Fulton thermal fluid heater, Generac emergency generator, and Kemco hot water heaters were calculated using equipment specifications provided by Rosina and the emission factors found in AP-42 Tables 1.4-1, 1.4-2, 1.4-3 and 3.2-21.

Emissions of oxides of nitrogen (NOx), carbon monoxide (CO), volatile organic compounds (VOCs), sulfur dioxide (SO2), particulate matter 10 micrometers or less in diameter (PM10), particulate matter 2.5 micrometers or less in diameter (PM2.5), carbon dioxide equivalents (CO2e), and hazardous air pollutants (HAPs) were calculated for each source. PM10 and PM2.5 emissions from the Cookstar Oven cooking process were calculated using emission

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factors and dryer throughput information for a similar process used at a facility in Dunkirk, NY.

In accordance with 6 NYCRR §201-3.2(c)(1)(i), the gas-fired searing unit, two gas-fired hot water heaters, and the thermal fluid heater are exempt from air permitting requirements as they have a maximum rated heat input capacity less than 10 MMBtu/hr and burn gaseous fuels. The emergency generator is exempt from air permitting requirements per 6 NYCRR §201-3.2(c)(3)(ii), as it is 1) rated less than 400 hp, and 2) located outside of the New York City metropolitan area and the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury.

The Facility is subject to the following 6 NYCRR Subparts:

**Part 211.1 Air pollution prohibited:** 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.

**Part 211.2 Visible emissions limited:** 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.

**Part 212 Process Operations:** This policy provides guidance for the control of criteria and toxic air contaminants emitted from process emission sources in New York State. Process emission sources refer to the equipment at manufacturing facilities that result in the release of air contaminants during operation. Process emission sources do not include equipment that combust fuel for electricity or space heating for commercial, industrial plants or residential heating. A review and evaluation of the sources relative to 6 NYCRR Part 212 was performed in accordance with the Department's Division of Air Resources (DAR)-1 Document. Actual HTAC emissions were calculated for the natural gas-fired sources at the facility, which include the thermal fluid heater, two water heaters, and the emergency generator. All HTACs are below the mass emission limits identified in 6 NYCRR Part 212-2.2 Table 2 and are therefore in compliance with Part 212. Since there is no information available on pollutants other than PM from the Cookstar Oven, NYSDEC will require an emissions test to determine what other pollutants are exhausted from the oven. In accordance with Part 212-2.4(b), the particulate emissions from the facility's process emission sources may not exceed 0.050 grains per dry standard cubic foot of exhaust gas. In accordance with Part 212-1.6, the average opacity during any six consecutive minutes must be less than 20 percent from any process emission source or emission point.

**New Source Performance Standards:** The Cleaver-Brooks boiler is subject to 40 CFR Part 60, Subpart Dc – Standards of Performance for Small Industrial-Commercial-Institutional Steam Generating Units, as construction, modification, or reconstruction is commenced after June 9, 1989 and the boiler has a maximum design heat input capacity greater than 10 MMBtu/hr and less than 100 MMBtu/hr. Since the boiler combusts natural gas exclusively, there are no applicable SO<sub>2</sub> or PM emission limits. However, in accordance with Part 60.48c, the facility is required to:

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1. Submit notification of the date of construction or reconstruction and actual startup of the source; and;
2. Maintain records of the amount of fuel combusted each operating day or, alternatively, records of the amount of each steam generating unit fuel delivered to that property during each calendar month.

A Climate Leadership and Community Protection Act (CLCPA) analysis was performed for the Rosina Facility (Facility) to be constructed at 3100 Clinton Street, West Seneca, West Seneca Township, NY (Site). The analysis was conducted in accordance with the requirements of the New York State Department of Environmental Conservation (NYSDEC) and the CLCPA. Each GHG was identified and calculated the Facility’s potential to emit GHG in units of tons per year and CO2e using the 20-year global warming potentials found in 6 NYCRR Section 496.5. Emissions were calculated for the combustion of natural gas by the Cleaver-Brooks boiler, thermal fluid heater, searing unit, emergency generator, and two (2) hot water heaters based on the emission factors found in AP-42 Tables 1.4-1 and 3.2-2. Fugitive emissions associated with natural gas throughput were also calculated for each source based on the CLCPA Emission Factors provided by NYSDEC. The result of these calculations indicated total CO2e emissions from the Facility are estimated to be 16,024 tons of CO2e per year. GHG emissions are not expected to increase in 2030 or 2050 with the current GHG sources at the facility. An additional analysis may need to be conducted if the Facility adds or changes their sources of GHG emissions and/or to comply with the scoping plan and its implementing regulations.

Using the Maps and Geospatial Information System (GIS) Tools for Environmental Justice found on the NYSDEC website, it was determined that the Facility is not located within a PEJA. As such, the Facility is not required to calculate co-pollutant emissions from the GHG sources or investigate mitigation measures.

As demonstrated in the CLCPA Analysis dated November 22, 2021 and supplemented on December 2, 2021, no other energy source alternatives identified were determined to be technically or economically feasible in reducing GHG emissions based on current technology and economics.

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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**DEC GENERAL CONDITIONS**

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- 6 1 Facility Inspection by the Department
- 6 2 Relationship of this Permit to Other Department Orders and Determinations
- 6 3 Applications for permit renewals, modifications and transfers
- 7 4 Permit modifications, suspensions or revocations by the Department

**Facility Level**

- 7 5 Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

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

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

**Item 2.1:**

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

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

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 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: ROSINA FOOD PRODUCTS INC  
170 French Rd  
CHEEKTOWAGA, NY 14227-2712

3100 Clinton Street, LLC  
3100 Clinton St  
West Seneca, NY 14224

Facility: Rosina Food Products Inc  
3100 Clinton St  
West Seneca, NY 14224

Authorized Activity By Standard Industrial Classification Code:  
2013 - SAUSAGES & OTHER PREPARED MEAT

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**FEDERALLY ENFORCEABLE CONDITIONS**

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- 7 2 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

**EU=U-1B001,EP=SB001**

- 7 3 6 NYCRR 212-1.6 (a): Compliance Demonstration
- 8 4 6 NYCRR 212-2.4 (b): Compliance Demonstration
- 9 5 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration

**EU=U-1B001,EP=SB001,Proc=P01,ES=SB001**

- 10 6 40CFR 60.48c(a), NSPS Subpart Dc: Subpart Dc - Reporting and recordkeeping requirements

**EU=U-5GEN1,EP=SGEN1**

- 10 7 40CFR 60.4233(e), NSPS Subpart JJJJ: Compliance Demonstration
- 11 8 40CFR 60.4243(a)(1), NSPS Subpart JJJJ: Compliance Demonstration
- 12 9 40CFR 60.4245(a), NSPS Subpart JJJJ: Compliance Demonstration

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- 14 10 ECL 19-0301: Contaminant List
- 14 11 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 15 12 6 NYCRR Subpart 201-5: Emission Unit Definition
- 17 13 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 17 14 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 18 15 6 NYCRR 211.1: Air pollution prohibited

**Emission Unit Level**

- 18 16 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 19 17 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

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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: Compliance Demonstration**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

**Applicable Federal Requirement: 6 NYCRR Subpart 202-1**

**Item 1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Department has determined that there is significant uncertainty in deriving cooking emission factors from AP-42. Due to this factor, Rosina Food Products Inc (Rosina) is required to perform emission testing on the Cookstar oven and the Searing Unit in accordance with USEPA methods, or those approved by the Department, to determine the concentrations of air contaminants emitted to the atmosphere from cooking processes. This emission testing must occur no later than 180 days after commencing operation of the oven and searing unit.

The following contaminants must be tested:

volatile organic compounds (VOCs) using Method 25 or Method 25A,  
heterocyclic aromatic amines,  
polycyclic aromatic hydrocarbons using CARB 429 or SW-846 Method 0010,  
formaldehyde using Method 323 or Method 320 or Method 18,  
acetaldehyde using Method 320 or Method 18, and  
benzene using Method 320 or Method 18.

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Test protocol(s) shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at least 60 days prior to the proposed test date(s). Department staff will be afforded the opportunity to witness the performance test by notifying the RAPCE of the actual test date at least 30 days prior to the test date. A test report shall be submitted to the RAPCE within 60 days of test completion.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 2: Visible Emissions Limited**  
Effective between the dates of 12/10/2021 and 12/09/2031

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 2.1:**

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 3: Compliance Demonstration**  
Effective between the dates of 12/10/2021 and 12/09/2031

**Applicable Federal Requirement:6 NYCRR 212-1.6 (a)**

**Item 3.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-1B001                      Emission Point: SB001

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

**Item 3.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Facility owner or operator shall not cause or allow emissions having an average opacity of 20 percent or greater for any consecutive six minute period from any emission source subject to 6 NYCRR Part 212 into the

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outdoor atmosphere. The facility owner or operator will observe all regulated emission points visible from ground level within the boundaries of the facility at least once each week during daylight hours. Should any visible emissions appear, the facility owner or operator shall determine the cause and immediately make the necessary correction(s). These observations will be recorded in a log book at the facility and shall be made available to the Department upon request. Records will be maintained for a minimum of 5 years. If after corrections are made and any emissions continue to be observed, the facility owner or operator will conduct a Method 9 assessment to determine the degree of opacity. The facility owner or operator will notify the DEC immediately if the Method 9 test indicates that the opacity standard is not met.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation to determine compliance with the above opacity limit.

Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: EPA Method 9  
Monitoring Frequency: WEEKLY  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 4.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-1B001                      Emission Point: SB001

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

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

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

Parameter Monitored: PARTICULATES  
 Upper Permit Limit: 0.050 grains per dscf  
 Reference Test Method: USEPA Reference Test Method 5  
 Monitoring Frequency: UPON REQUEST OF REGULATORY AGENCY  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 5.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-1B001                      Emission Point: SB001

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

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 SO<sub>2</sub> 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.

Monitoring Frequency: MONTHLY  
 Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 1/30/2022.  
 Subsequent reports are due every 12 calendar month(s).



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**Condition 6: Subpart Dc - Reporting and recordkeeping requirements  
Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 6.1:**

This Condition applies to Emission Unit: U-1B001 Emission Point: SB001  
Process: P01 Emission Source: SB001

**Item 6.2:**

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 40CFR60.7 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 40CFR60.42c., or 40CFR60.43c.
- (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.

**Condition 7: Compliance Demonstration  
Effective between the dates of 12/10/2021 and 12/09/2031**

**Applicable Federal Requirement:40CFR 60.4233(e), NSPS Subpart JJJJ**

**Item 7.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-5GEN1 Emission Point: SGEN1

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Owners and operators of stationary SI ICE with a maximum engine power greater than or equal to 75 KW (100 HP) (except gasoline and rich burn engines that use LPG) must comply with the emission standards listed below for their stationary SI ICE. The facility has provided the Manufacturer's Guaranteed Emission Data (MGED) below next to the emission standard.

NOx Emission Standard 2.00 g/hp-hr MGED\* 0.52 g/hp-hr

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CO Emission Standard 4.00 g/hp-hr MGED\* 0.13  
g/hp-hr  
VOC Emission Standard 1.00 g/hp-hr MGED\* 0.01  
g/hp-hr

\*Converted from g/bhp-hr to g/hp-hr.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 8: Compliance Demonstration**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

**Applicable Federal Requirement: 40CFR 60.4243(a)(1), NSPS Subpart JJJJ**

**Item 8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-5GEN1                      Emission Point: SGEN1

Regulated Contaminant(s):  
CAS No: 0NY210-00-0      OXIDES OF NITROGEN

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If you are an owner or operator of a stationary SI internal combustion engine that is manufactured after July 1, 2008, and must comply with the emission standards specified in §60.4233(a) through (c), you must comply by purchasing an engine certified to the emission standards in §60.4231(a) through (c), as applicable, for the same engine class and maximum engine power. You must also meet the requirements as specified in 40 CFR part 1068, subparts A through D, as they apply to you. If you adjust engine settings according to and consistent with the manufacturer's instructions, your stationary SI internal combustion engine will not be considered out of compliance. In addition, you must meet one of the requirements specified below:

If you operate and maintain the certified stationary SI internal combustion engine and control device according to the manufacturer's emission-related written instructions, you must keep records of conducted maintenance to demonstrate compliance, but no performance testing is required if you are an owner or operator.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 9: Compliance Demonstration**  
Effective between the dates of 12/10/2021 and 12/09/2031

**Applicable Federal Requirement: 40CFR 60.4245(a), NSPS Subpart JJJJ**

**Item 9.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-5GEN1                      Emission Point: SGEN1

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of stationary SI ICE that are subject to the provisions of 40 CFR Subpart JJJJ must meet the following notification, reporting and recordkeeping requirements.

- (1) All notifications submitted to comply with this subpart and all documentation supporting any notification.
- (2) Maintenance conducted on the engine.
- (3) If the stationary SI internal combustion engine is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards and information as required in 40 CFR parts 90, 1048, 1054, and 1060, as applicable
- (4) If the stationary SI internal combustion engine is not a certified engine or is a certified engine operating in a non-certified manner and subject to §60.4243(a)(2), documentation that the engine meets the emission standards.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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with 6 NYCRR Part 616 - Public Access to Records.  
Facility owners and/or operators must submit the records  
required to comply with the request within sixty working  
days of written notification by the Department.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 10: Contaminant List**

**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 10.1:**

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

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

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

**Condition 11: Malfunctions and Start-up/Shutdown Activities**

**Effective between the dates of 12/10/2021 and 12/09/2031**

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**Applicable State Requirement:6 NYCRR 201-1.4****Item 11.1:**

(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 12: Emission Unit Definition****Effective between the dates of 12/10/2021 and 12/09/2031****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 12.1:**

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

Emission Unit: U-1B001

Emission Unit Description:

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Cleaver-Brooks Natural Gas-Fired Boiler,  
Model CBLE-700-250-150ST; rated at 250 hp,  
10.206 MMBtu/hr.

Building(s): Main

**Item 12.2:**

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

Emission Unit: U-2TFH1

Emission Unit Description:

Fulton Natural-Gas Fired Thermal Fluid Heater, Model  
FT-0800-C, rated at 8.0 MMBtu/hr.

Building(s): Main

**Item 12.3:**

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

Emission Unit: U-3WHA0

Emission Unit Description:

Kemco Natural-Gas Fired Water Heater A, Model TE-100,  
rated at 2.0 MMBtu/hr.

Building(s): Main

**Item 12.4:**

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

Emission Unit: U-4WHB0

Emission Unit Description:

Kemco Natural-Gas Fired Water Heater B, Model TE-100,  
rated at 9.0 MMBtu/hr.

Building(s): Main

**Item 12.5:**

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

Emission Unit: U-5GEN1

Emission Unit Description:

Generac Natural Gas-Fired Emergency Generator, Model  
SG200, rated at 304 hp/200 kW.

Building(s): Outdoors

**Item 12.6:**

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

Emission Unit: U-6OVN1

Emission Unit Description:

After raw meat is ground up, mixed with spices, and fed  
to a former to create the shape of the meatball, they are  
fed to the Cookstar oven. The steam used to cook the  
formed meatballs in the oven is produced via a 10.2  
MMBtu/hr Cleaver-Brooks natural gas-fired boiler; an 8.0  
MMBtu/hr natural Fulton gas-fired thermal fluid heater is

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used to control the temperature of the oven. Emissions from the boiler and thermal fluid heater are calculated separately, above. The Cookstar oven chamber exhausts to the roof. Maximum throughput for the oven is 7.5 tons meatballs per hour and 20,000 tons meatballs per year. Normal throughput for the oven is 5.75 tons meatballs per hour.

Building(s): Main

**Item 12.7:**

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

Emission Unit: U-7OVN2

Emission Unit Description:

Natural Gas-Fired Searing Unit, rated at 0.54 MMBtu/hr.

Building(s): Main

**Condition 13: Renewal deadlines for state facility permits**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 13.1:**

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 14: Compliance Demonstration**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 14.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 14.2:**

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



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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Air pollution prohibited**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 15.1:**

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 16: Emission Point Definition By Emission Unit**  
**Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 16.1:**

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

Emission Unit: U-1B001

Emission Point: SB001

Height (ft.): 45                      Diameter (in.): 24  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Item 16.2:**

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

Emission Unit: U-2TFH1

Emission Point: STFH1

Height (ft.): 45                      Diameter (in.): 24  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Item 16.3:**

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

Emission Unit: U-3WHA0

Emission Point: SWHA0

Permit ID: 9-1468-00246/00003

Facility DEC ID: 9146800246

Height (ft.): 45                      Diameter (in.): 18  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Item 16.4:**

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

Emission Unit: U-4WHB0

Emission Point: SWHB0  
 Height (ft.): 45                      Diameter (in.): 24  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Item 16.5:**

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

Emission Unit: U-5GEN1

Emission Point: SGEN1  
 Height (ft.): 6                      Diameter (in.): 5  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Outdoors

**Item 16.6:**

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

Emission Unit: U-6OVN1

Emission Point: SOVN1  
 Height (ft.): 43                      Diameter (in.): 14  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Item 16.7:**

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

Emission Unit: U-7OVN2

Emission Point: SOVN2  
 Height (ft.): 40                      Diameter (in.): 18  
 NYTMN (km.): 4752.403    NYTME (km.): 192.574    Building: Main

**Condition 17:    Process Definition By Emission Unit  
 Effective between the dates of 12/10/2021 and 12/09/2031**

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

**Item 17.1:**

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

Emission Unit: U-1B001  
 Process: P01                              Source Classification Code: 1-02-006-02  
 Process Description:  
 Cleaver-Brooks Natural Gas-Fired Boiler,  
 Model CBLE-700-250-150ST; rated at 250 hp,

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10.206 MMBtu/hr.

Emission Source/Control: SB001 - Combustion

**Item 17.2:**

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

Emission Unit: U-2TFH1  
Process: P02 Source Classification Code: 1-05-001-06  
Process Description:  
Fulton Natural-Gas Fired Thermal Fluid Heater, Model  
FT-0800-C, rated at 8.0 MMBtu/hr.

Emission Source/Control: STFH1 - Process

**Item 17.3:**

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

Emission Unit: U-3WHA0  
Process: P03 Source Classification Code: 1-05-001-06  
Process Description:  
Kemco Natural-Gas Fired Water Heater A, Model TE-100,  
rated at 2.0 MMBtu/hr.

Emission Source/Control: SWHA0 - Process

**Item 17.4:**

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

Emission Unit: U-4WHB0  
Process: P04 Source Classification Code: 1-05-001-06  
Process Description:  
Kemco Natural-Gas Fired Water Heater B, Model TE-100,  
rated at 9.0 MMBtu/hr.

Emission Source/Control: SWHB0 - Process

**Item 17.5:**

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

Emission Unit: U-5GEN1  
Process: P05 Source Classification Code: 1-03-006-03  
Process Description:  
Generac Natural Gas-Fired Emergency Generator, Model  
SG200, rated at 304 hp/200 kW.

Emission Source/Control: SGEN1 - Combustion

**Item 17.6:**

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

Emission Unit: U-6OVN1

Permit ID: 9-1468-00246/00003

Facility DEC ID: 9146800246

Process: P06

Source Classification Code: 1-02-006-03

Process Description:

After raw meat is ground up, mixed with spices, and fed to a former to create the shape of the meatball, they are fed to the Cookstar oven. The steam used to cook the formed meatballs in the oven is produced via a 10.2 MMBtu/hr Cleaver-Brooks natural gas-fired boiler; an 8.0 MMBtu/hr natural Fulton gas-fired thermal fluid heater is used to control the temperature of the oven. Emissions from the boiler and thermal fluid heater are calculated separately, above. The Cookstar oven chamber exhausts to the roof. Maximum throughput for the oven is 7.5 tons meatballs per hour and 20,000 tons meatballs per year. Normal throughput for the oven is 5.75 tons meatballs per hour.

Emission Source/Control: SOVN1 - Process

**Item 17.7:**

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

Emission Unit: U-7OVN2

Process: P07

Source Classification Code: 1-02-006-03

Process Description:

Natural Gas-Fired Searing Unit, rated at 0.54 MMBtu/hr.

Emission Source/Control: SOVN2 - Process

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