



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-2911-00078/00009  
Mod 0 Effective Date: 08/20/2009 Expiration Date: 08/19/2014  
Mod 1 Effective Date: 11/26/2010 Expiration Date: 08/19/2014

Permit Issued To: GLOBE METALLURGICAL INC  
PO BOX 157  
BEVERLY, OH 45715-0157

Contact: ARDEN SIMS  
GLOBE METALLURGICAL INC  
PO BOX 157  
BEVERLY, OH 45715-0157  
(740) 984-8582

Facility: GLOBE METALLURGICAL INC  
3807 HIGHLAND AVE  
NIAGARA FALLS, NY 14305

Contact: MATT GREENE  
GLOBE METTALURGICAL INC  
PO BOX 157  
BEVERLY, OH 45715  
(740) 984-8608

**Description:**

This permit modification reflects the re-incorporation of the Compliance Assurance Monitoring (CAM) Plan and the removal of the area source requirement for Ferroalloys Production facilities; the National Emission Standards for Hazardous Air Pollutants (NESHAPs), 40 CFR Part 63.11524 Subpart YYYYYY(6Y). At the time the initial Title V permit was issued, Globe was subject to and included the CAM requirements in the permit. The promulgation of 6Y and the determination that the facility was a minor source of HAP subject to 6Y area source requirements exempted the furnaces from CAM applicability because NESHAP monitoring requirements satisfy CAM. Subsequent testing on similar furnaces determined that emissions of hydrogen chloride (HCL) are in excess of 10 tons. Therefore, the facility is a major source of HAPs and CAM must be re-incorporated into the permit.

In addition, Globe is requesting permission to produce 50%-75% ferrosilicon metal in addition to silicon metal and use self-baking electrodes. The production of ferrosilicon has been performed in the past at this facility and will result in an estimated decrease in particulate matter and the estimated increase in VOC's will be 7.9 tons per year. The production of ferrosilicon will not trigger any new applicable requirements.



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:           DOUGLAS E BORSCHEL  
                                          270 MICHIGAN AVE  
                                          BUFFALO, NY 14203-2999

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



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



## **LIST OF CONDITIONS**

### **DEC GENERAL CONDITIONS**

#### **General Provisions**

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

#### **Facility Level**

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



**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

**For the purpose of your Title V permit, the following section contains  
state-only enforceable terms and conditions.**

**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 expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

**Item 3.3:**

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



submitted prior to actual transfer of ownership.

**Condition 1-1: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-1.1:**

The Department reserves the right 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.

**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 modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165



**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

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

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: GLOBE METALLURGICAL INC  
PO BOX 157  
BEVERLY, OH 45715-0157

Facility: GLOBE METALLURGICAL INC  
3807 HIGHLAND AVE  
NIAGARA FALLS, NY 14305

Authorized Activity By Standard Industrial Classification Code:  
3313 - ELECTROMETALLURGICAL PRODUCTS  
3339 - PRIMARY NONFERROUS METALS, NEC

Mod 0 Permit Effective Date: 08/20/2009

Permit Expiration Date: 08/19/2014

Mod 1 Permit Effective Date: 11/26/2010

Permit Expiration Date: 08/19/2014



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 1-1 6 NYCRR 215.2: Open Fires - Prohibitions
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 1-2 6 NYCRR 202-1.1: Required Emissions Tests
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 1-3 6 NYCRR 201-6.5 (f): Compliance Certification
- 25 6 NYCRR 225-1.2 (d): Sulfur in solid fuel,(effective 1/1/88) for Erie and Niagara Counties.
- 26 6 NYCRR 225-1.4: Temporary variances.
- 27 6 NYCRR 225-1.5 (b): Compliance Certification

**Emission Unit Level**

- 28 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 29 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

**EU=E-AFURN**

- 1-4 6 NYCRR 201-6.5 (f) (1): Compliance Certification
- 1-5 6 NYCRR 212.3 (a): Compliance Certification
- 31 6 NYCRR 212.9 (d): Compliance Certification
- 1-6 40 CFR Part 64: Compliance Certification

**EU=E-AFURN,Proc=P02**

- 35 6 NYCRR 212.10 (c) (3): Compliance Certification

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



**EU=P-ROFIN**

- 36 6 NYCRR 212.4 (c): Compliance Certification
- 37 6 NYCRR 212.4 (c): Compliance Certification
- 38 6 NYCRR 212.6 (a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 39 ECL 19-0301: Contaminant List
- 1-7 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 40 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-8 6 NYCRR 211.2: Air pollution prohibited
- 41 6 NYCRR 211.2: Air pollution prohibited



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.**

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

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

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

(1) An emergency occurred and that the facility owner and/or

operator can identify the cause(s) of the emergency;

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

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

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

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

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

**Item B: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10 (b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.3 (a) (4)**

Owners and/or operators of facilities having an issued Title V 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.

**Item D: Certification by a Responsible Official - 6 NYCRR 201-6.3 (d) (12)**

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

**Item E: Requirement to Comply With All Conditions - 6 NYCRR 201-6.5 (a) (2)**

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.5 (a) (3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.5 (a) (5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

**Item H: Property Rights - 6 NYCRR 201-6.5 (a) (6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



## **Item I: Severability - 6 NYCRR 201-6.5 (a) (9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

## **Item J: Permit Shield - 6 NYCRR 201-6.5 (g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

## **Item K: Reopening for Cause - 6 NYCRR 201-6.5 (i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

## **Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



(NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item M: Federally Enforceable Requirements - 40 CFR 70.6 (b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.**

**Condition 1: Acceptable Ambient Air Quality**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 200.6**

**Item 1.1:**

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

**Condition 2: Fees**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (a) (7)**

**Item 2.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (c)**

**Item 3.1:**

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.3 of this Part 201.

**Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (c) (2)**

**Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 5: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (c) (3) (ii)**

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

(1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



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

**Condition 6: Compliance Certification**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (e)**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

270 Michigan Avenue  
Buffalo, NY 14203-2999

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2010.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 202-2.1**

**Item 7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway,

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



Albany NY 12233-3251

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 202-2.5**

**Item 8.1:**

(a) The following records shall be maintained for at least five years:

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR Part 215**

**Item 9.1:**

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

**Condition 1-1: Open Fires - Prohibitions**  
**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 1-1.1:**

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item 1-1.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



used as fuel and the fire is not left unattended until extinguished.

(d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.

(e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.

(f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

(g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.

(h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.

(i) Prescribed burns performed according to Part 194 of this Title.

(j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

## **MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.**

**[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 10: Maintenance of Equipment**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 200.7**

### **Item 10.1:**

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

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Condition 11: Recycling and Salvage**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 11.1:**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 12.1:**

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Condition 13: Exempt Sources - Proof of Eligibility**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 13.1:**

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. 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 this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

**Condition 14: Trivial Sources - Proof of Eligibility**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 14.1:**

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 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.

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Condition 15: Standard Requirement - Provide Information**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (4)**

**Item 15.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: General Condition - Right to Inspect**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (8)**

**Item 16.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Standard Requirements - Progress Reports**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.5 (d) (5)**

**Item 17.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Condition 18: Off Permit Changes**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.5 (f) (6)**

**Item 18.1:**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

**Condition 1-2: Required Emissions Tests**

**Effective between the dates of 11/26/2010 and 08/19/2014**

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

**Item 1-2.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

**Condition 19: Required Emissions Tests**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 19.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

**Condition 20: Visible Emissions Limited**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 20.1:**

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 21: Accidental release provisions.**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:40 CFR Part 68**

**Item 21.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 22: Recycling and Emissions Reduction**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 22.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

**Condition 23: Emission Unit Definition**

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 23.1(From Mod 1):**

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

Emission Unit: E-AFURN

Emission Unit Description:

The No. 9 and No. 11 electric arc furnaces convert gravel, woodchips, coke, charcoal and coal into either silicon metal or ferrosilicon. The furnaces are both rated at 22 megawatts per hour of input. The processes which comprise this unit are raw material handling and ferrosilicon or silicon metal melting and tapping. Each furnace is equipped with a baghouse to control particulate emissions. A main hood is installed on each furnace and ducted to the baghouses. Emissions from the No. 9 furnace are directed to emission point EP002 and from the No. 11 furnace to emission point EP003. In addition, the use of self-baking electrodes is being included as part of this modification.

Building(s): 00FURNBLDG

**Item 23.2(From Mod 0):**

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

Emission Unit: P-ROFIN

Emission Unit Description:

Silicon metal is processed at No. 3 sizing plant. The sizing plant crushes and screens the silicon metal preparing it for distribution. Silicon metal sizing and product handling are the two processes in this unit. Emissions are controlled with baghouses and through the use of covered conveyors and enclosed storage sheds.

Building(s): 00FURNBLDG

**Item 23.3(From Mod 0):**

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

Emission Unit: R-DWYPK

Emission Unit Description:

Plant roadways and parking lots are located throughout the facility with fugitive emissions. While some areas are unpaved, the majority of higher traffic areas are paved.

**Condition 1-3: Compliance Certification**

**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.5 (f)**

**Item 1-3.1:**



The Compliance Certification activity will be performed for the Facility.

**Item 1-3.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operational Flexibility Plan

I. Protocol Objective

The objective of this condition is to maximize operational flexibility at the facility by building into the Title V permit the capability to make certain changes using a protocol. As provided under 6 NYCRR Part 201-6.5(f)(2), changes made under an approved protocol are not subject to the Title V permit modification provisions under 6 NYCRR Part 201-6.7.

II. Protocol

A. Criteria

1. Changes reviewed under this protocol shall be evaluated in accordance with the following criteria:

a. All underlying federal and state requirements with which the new or changed emission source must comply must exist in the Title V permit. Existing permit conditions may be amended to reference or include the new or changed emission source and any related information, and/or subject to DEC approval, new conditions proposed, to provide the appropriate monitoring parameters.

b. Any new or changed emission source shall not be part of a source project that results in a significant net emissions increase that exceeds the New Source Review (NSR) thresholds identified in 6 NYCRR Part 231-2 or 40 CFR 52.21.

c. The facility shall not use the protocol to make physical changes or changes in the method of operation of existing emissions sources that would require a new or modified federally enforceable cap either to avoid major NSR requirements or to address and comply with other Clean Air Act requirements, such as RACT. Such changes must be addressed via the significant permit modification provisions.

B. Notification Requirements for Changes Reviewed under the Protocol



1. The facility shall notify the Department in writing of the proposed change.
2. Notifications made in accordance with this protocol will include the following documentation:
  - a. Identification of the Title V permit emission unit, process(es), emission sources and emission points affected by the proposed change with applicable revisions to the Emission Unit structure;
  - b. Description of the proposed change, including operating parameters;
  - c. Identification and description of emissions control technology;
  - d. Documentation of the project's, or emission source's, compliance with respect to all state and/or federally applicable requirements, including the following steps:
    - i. Calculate the emission rate potential and maximum projected actual annual emission rates for all contaminants affected by the change.
    - ii. Submit documentation of major NSR program non-applicability for NYSDEC review and approval.
    - iii. Identify and evaluate the applicability of all regulations likely to be triggered by the new or changed emission source.
    - iv. Propose any operating and record keeping procedures necessary to ensure compliance.
  - e. Any other relevant information used for the evaluation of the proposed project or emission source under the Protocol.

**C. Review and Approval of Changes**

1. The Department shall respond to the permittee in writing with a determination within 15 days of receipt of the notification of the permittee.
2. The Department may require a permit modification, in order to impose new applicable requirements or additional permit conditions if it determines that changes proposed pursuant to notification do not meet the criteria under

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



II. A above or that the changes may have a significant air quality impact or be otherwise potentially significant under SEQRA (6 NYCRR Part 617).

3. The Department may require that the permittee not undertake the proposed change until it completes a more detailed review of the proposed change, which may include potential air quality impacts and/or applicable requirements. The Department's determination shall include a listing of information required for further review, if necessary.

**D. Additional Compliance Obligations for Changes Made Under this Protocol**

1. Upon commencement of the change, the facility shall comply with all applicable requirements and permit conditions, including any amended or proposed in accordance with II.A.1.a above.

2. The facility shall provide with the semi-annual monitoring report, a summary of the changes made in accordance with this protocol and a statement of the compliance status of each. Changes reported should include all those made during the corresponding period and any earlier changes that have not yet been incorporated into the permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

Subsequent reports are due every 12 calendar month(s).

**Condition 25: Sulfur in solid fuel,(effective 1/1/88) for Erie and Niagara Counties.**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 25.1:**

Sulfur in solid fuel, (pounds of sulfur per million Btu gross heat content), is limited to 1.7 maximum and 1.4 average. Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

**Condition 26: Temporary variances.**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 225-1.4**

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



**Item 26.1:**

Upon application by an air contamination source owner or a fuel supplier the commissioner may issue an order granting a temporary variance from the provisions of 6 NYCRR Part 225-1 where it can be shown, to the commissioner's satisfaction, that there is an insufficient supply of conforming fuel, either:

- (1) of the proper type required for use in a particular air contamination source; or
- (2) generally throughout an area of the State.

**Condition 27: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 225-1.5 (b)**

**Item 27.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 27.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Coke which exceeds the 1.7 lb/million Btu maximum and 1.4 lb/million Btu consecutive three month average, sulfur in fuel limits of 6NYCRR, Part 225-1.2 (d) Table 2 for solid fuel, may be used in combination with coal in the furnace charge on a minimum 4:1 coal/coke ratio.

Globe is required to demonstrate that when using coke with a sulfur content greater than the allowable limit in combination with coal, the sulfur dioxide emissions will not exceed a maximum 3.4 pounds of sulfur dioxide per million Btu heat input and an average 2.8 pounds of sulfur dioxide per million Btu heat input. Averages are computed for each emission source by dividing the total sulfur content by the total gross heat content of all solid fuel received during any consecutive three-month period.

Records will be maintained on-site as follows:

1. Calculations to demonstrate compliance with the sulfur dioxide limit for each shipment of coke received.
2. The sulfur and Btu content of each shipment of coke received.
3. The total amount of coal and coke charged per batch for each furnace.
4. Sampling, compositing and analysis of fuel samples must

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



be done in accordance with methods acceptable to the Department as required by Part 225-1.8(d).

5. Records of fuel analyses shall be kept on-site for a period of 5 years.

Globe shall submit a written report of any exceedance of the equivalent emission rate within 30 days of determining the exceedance.

Process Material: COKE

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.7 pounds per million Btus

Reference Test Method: Method Acceptable to the Department

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

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

**Condition 28: Emission Point Definition By Emission Unit**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

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

### Item 28.1(From Mod 1):

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

Emission Unit: E-AFURN

Emission Point: EP002

Height (ft.): 86

Length (in.): 960

Width (in.): 168

Building: 00FURNBLDG

Emission Point: EP003

Height (ft.): 92

Length (in.): 960

Width (in.): 168

Building: 00FURNBLDG

### Item 28.2(From Mod 0):

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

Emission Unit: P-ROFIN

Emission Point: EP007

Height (ft.): 16

Diameter (in.): 25

Building: 00FURNBLDG

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



Emission Point: EP06A

Height (ft.): 10

Diameter (in.): 48

Building: 00FURNBLDG

**Condition 29: Process Definition By Emission Unit**

**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 29.1(From Mod 1):**

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

Emission Unit: E-AFURN

Process: P02

Source Classification Code: 3-03-007-02

**Process Description:**

Melting/Tapping - Silicon or ferrosilicon metal is produced in two submerged-arc semi-enclosed-type electric furnaces identified as emission sources S0003 (furnace No. 9) and S0004 (furnace No. 11). The submerged arc process is a reduction smelting operation. In the production of silicon metal, quartz is the raw material from which silicon is derived. Carbon is necessary as a reducing agent and is supplied by coke, charcoal, coal, and woodchips. In the production of ferrosilicon, iron is added to the raw materials. Smelting in the electric arc furnace is accomplished by conversion of electric energy to heat. An alternating current applied to the electrodes causes a current to flow through the charge from the electrode tips to the furnace hearth. This provides a reaction zone of temperature up to 6000 deg. F. To maintain a uniform electric load, electrode depth is continuously varied automatically, as required. At high temperatures in the reaction zone, the carbon sources react chemically with silicon dioxide gas to form carbon monoxide and silicon metal.

Molten product is tapped from the furnace through a taphole located at the bottom of the furnace at hearth level. The molten metal and dross flow from the tap hole into a ladle. The ladle is moved by a hoist to the casting process. The metal is poured into low, flat pans that provide rapid cooling of the molten metal.

Fume and dust generated and captured throughout the production process including tapping are controlled by the baghouses which vent to emission points EP002 and EP003 and then collected and reused or sold.

Emission Source/Control: S0006 - Control

Control Type: FABRIC FILTER

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



Emission Source/Control: S0007 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: S0003 - Process

Emission Source/Control: S0004 - Process

**Item 29.2(From Mod 0):**

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

Emission Unit: E-AFURN

Process: P01

Source Classification Code: 3-99-999-94

Process Description:

Raw Material Handling - Raw Material Transfer and Storage operations begin with the receipt of raw materials via truck or rail. Coal, coke, charcoal, gravel, woodchips, and turnings are unloaded via crane to piles or directly to a below grade conveyor or pit. Coal is transferred to the pit, from which it is conveyed up to enclosed raw material storage bins or unloaded to outdoor storage piles. Gravel is unloaded to piles, transported by crane to a conveyor, screened, and conveyed up to enclosed storage bins. Wood chips are dumped from a trailer to the pit and transported up to enclosed storage bins. From indoor bins, the raw materials are weighed and dropped to a skip bucket from which they are transferred to the top of the furnace.

Emission Source/Control: S0001 - Process

Emission Source/Control: S0002 - Process

**Item 29.3(From Mod 0):**

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

Emission Unit: P-ROFIN

Process: P03

Source Classification Code: 3-99-999-94

Process Description:

Silicon Metal Sizing - Sizing operations begin with transport of silicon metal lump from storage or directly to the jaw crusher. From the jaw crusher, product is conveyed to a shaker/screen and transported to sizing or to the cone crusher, depending on size. From the cone crusher, the product is transported to a shaker/screen via a covered conveyor and then to sizing. Emissions from this operation are controlled by two baghouses which vent to emission point EP06A.

Emission Source/Control: S0010 - Control  
Control Type: FABRIC FILTER

Emission Source/Control: S0014 - Control

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



Control Type: FABRIC FILTER

Emission Source/Control: S0009 - Process

**Item 29.4(From Mod 0):**

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

Emission Unit: P-ROFIN

Process: P04

Source Classification Code: 3-99-999-94

Process Description:

Product Handling - From sizing, product is loaded to boxes, super sacks, or railcars. Hopper and Loading Conveyor involves transfer of sized silicon metal via front end loader to a bin then to a hopper for loadout to railcar. The operation is located indoors next to Sizing Plant No. 3. Conveyors, hopper and loadout point are controlled via cartridge filter venting to emission point EP007.

Emission Source/Control: S0012 - Control

Control Type: FABRIC FILTER

Emission Source/Control: S0011 - Process

**Item 29.5(From Mod 0):**

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

Emission Unit: R-DWYPK

Process: P05

Source Classification Code: 3-99-999-94

Process Description:

Roadways & Parking - Transportation on roadways and parking areas cause fugitive emissions.

Emission Source/Control: S0013 - Process

**Condition 1-4: Compliance Certification**

**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.5 (f) (1)**

**Item 1-4.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-AFURN

**Item 1-4.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Globe Metallurgical proposes to produce 75% and 50% ferrosilicon along with the potential conversion to self

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



baking electrodes in No. 9 and No. 11 furnaces. These operations may be conducted under the operational flexibility/alternate operating scenarios provisions without requiring a permit revision provided that Globe complies with the monitoring conditions currently in place for the production of silicon metal in these furnaces.

Globe currently is permitted to produce silicon metal and has produced ferrosilicon in the past at this facility. Actual and potential emissions based on USEPA emissions factors during the production of ferrosilicon are less than emissions from the production of silicon metal. The conversion will reduce emissions of particulate matter(PM), carbon monoxide(CO), sulfur dioxide(SO<sub>2</sub>) and nitrogen oxides(NO<sub>x</sub>).

The physical changes to the furnaces will include the addition of paste heaters for the electrodes. The furnaces will be subject to the same conditions and operational limits as currently written for the production of silicon metal to reflect compliance with the Compliance Assurance Monitoring (CAM) requirements of 40 CFR Part 64; the opacity requirements of 6NYCRR, Part 212.6(a); process weight permissible particulate emissions limit of 6NYCRR, Part 212.3(a); the sulfur-in-fuel limitations of 6NYCRR, Part 225-1.5(b); and the NO<sub>x</sub> RACT limits of 6NYCRR, Part 212.10(c)(3).

Globe shall notify this Department of any proposed change in production and fulfill the recordkeeping, maintenance and operational obligations within the permit whether ferrosilicon or silicon metal is produced.

The results of furnace stack tests requested by the USEPA in support of the FerroAlloy MACT will be used to develop emissions factors for PAH emissions from the furnace and self-baking electrodes.

The Department may require a permit modification in order to impose new applicable requirements if implemented.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

Subsequent reports are due every 12 calendar month(s).

## Condition 1-5: Compliance Certification

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 212.3 (a)**

**Item 1-5.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-AFURN

Regulated Contaminant(s):

CAS No: 000000-00-0 PARTICULATES

**Item 1-5.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The permissible particulate emission rate for each silicon metal production furnace identified as furnaces No. 9 and No. 11 shall be determined using process weight as established by 6NYCRR, Part 212.9(e) and calculated using the formula set forth in 212.9(d) Table 4. The average input of raw materials for each furnace is 25,098 pounds per hour as demonstrated by the tracking of raw material additions over a 24 hour period. Allowable particulate emissions from each furnace based on the average input have been calculated to be 21.3 pounds per hour.

The average raw material input of 25,098 pounds corresponds with the Nox RACT limit of 767.3 tons per year.

The following operational parameters and their target ranges have been established to facilitate the proper operation of the baghouses. These parameters are to be used as diagnostic indicators of a potential problem in the operation of the baghouses. Values outside these parameters will require a visual observation of the baghouse outlets. If visible emissions are observed, Globe will initiate an investigation as to the cause and initiate corrective action as necessary.

#9 Furnace Baghouse, Emission Source S0006

Fan Amperage Target Range: 100-155

Main Plenum Pressure Target Range: 0-15 Inches Water Column

Main Plenum Temperature: < 500 degrees F

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



#11 Furnace Baghouse, Emission Source S0007

Fan Amperage Target Range: 80-183

Main Plenum Pressure Target Range: 0-15 Inches Water Column

Main Plenum Temperature: <500 degrees F

Inspection of the baghouses for the #9 and #11 furnaces will be conducted on a daily basis. Each furnace collector has a dedicated computer system which allows personnel to continuously evaluate baghouse and dust handling operating parameters and initiate preventative maintenance, diagnostic, and corrective maintenance programs. If the pressure drop range changes as a result of filter bag change, Globe will note the new range and date of bag replacement, and operate within that range.

In addition to daily computer alarms and diagnostic checks, additional maintenance activities are performed at weekly and monthly intervals.

Records of minor corrective actions including routine maintenance, electrical and operational changes will be recorded in baghouse logbooks. All other corrective actions will be filed with the visible emissions observations and maintenance inspection logs.

Records are to be kept on-site for a period of 5 years and made available to Department representatives on request.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 21.3 pounds per hour

Reference Test Method: Method 5

Monitoring Frequency: HOURLY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 31: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



**Applicable Federal Requirement:6 NYCRR 212.9 (d)**

**Item 31.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-AFURN

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following equation shall be used to determine permissible solid particulate emissions (based on process weight:

for sources up to 100,000 lb/hr -  $E = 0.024P^{(0.67)}$ ;

where:

E - is the permissible emission rate, and

P - is process weight in lb/hr.

The facility owner/operator shall keep a record of the material processed (i.e., the process weight cited above) and the emission rate of particulates, calculated based on the equation above. These shall be reported to the Department as cited below.

Monitoring Frequency: DAILY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

**Condition 1-6: Compliance Certification**

**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable Federal Requirement:40 CFR Part 64**

**Item 1-6.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-AFURN

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



**Item 1-6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Compliance Assurance Monitoring Plan

Emission point EP0002, located in emission unit E-AFURN, process P02, is the exhaust for the furnace No. 9 baghouse collector. Emission point EP0003, located in emission unit E-AFURN, process P02, is the exhaust for the furnace No. 11 baghouse collector. The main furnace hoods located at the top of each submerged arc semi-enclosed electric furnace directs fume to the respective baghouse. Potential pre-control emissions of particulates from each emission point exceed the major source threshold of 100 tons per year and therefore this source is subject to the Compliance Assurance Monitoring provisions of 40 CFR Part 64.

Globe has submitted a plan for monitoring to demonstrate that the control measures are operated and maintained so that they continue to achieve the level of control required by the applicable requirements. This source is subject to particulate emission limit of 212.4(c) which and visible emissions limitations of 212.6.

**Indicators & Monitoring Frequency:**

Visible emissions has been selected as the performance indicator because it is indicative of good operation and maintenance of the baghouse. When the baghouse is operating properly, there will not be any visible emissions from the emission point. Any increase in visible emissions indicates reduced performance of the particulate control device. Normal furnace smelting operations do not produce gas flow or other conditions that adversely affect the baghouse efficiency, so no process operational parameters will be monitored.

Visible emissions from the baghouse exhaust are to be monitored daily during a facility survey.

In addition to daily visible emission observations, daily baghouse inspection, maintenance, and recordkeeping will be performed according to the plans and procedures attached to the Title V permit.

**Measurement Approach:**

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



Visible emissions from the baghouse exhaust will be monitored daily using procedures similar to EPA Reference Method 22. At least one 6-minute observation will be performed daily and recorded in a log book. VE's will be performed daily when at least one furnace is operating and hot metal tapping is occurring. Observations will be done during daylight hours unless prohibited by inclement weather; e.g., rain, snow, fog, etc.

## Indicator Range:

A deviation is defined as the presence of visible emissions. When a deviation occurs, corrective action will be initiated, beginning with an evaluation of the occurrence to determine the action required to correct the situation. All deviations will be documented and reported in accordance with the permit requirements.

An indicator range of no visible emissions was selected because an increase in visible emissions is indicative of an increase in particulate emissions.

## Performance Criteria:

Opacity observations are made at the emission point during source operation. Visible emissions will result in the implementation of inspection and maintenance procedures.

## QA/QC:

Measurements will be made at the baghouse exhaust. The observer will be familiar with normal furnace operations and EPA Reference Methods 9 and 22.

## Deviation Response:

Upon noting visible emissions, the observer will immediately notify maintenance to inspect the baghouse, and operations to reduce furnace operations as feasible. Maintenance personnel will inspect the baghouse within 4 hours of receiving notification and make needed repairs as soon as practicable. Operations will return to normal upon completed corrective action.

## QIP Threshold:

The selected Quality Improvement Plan (QIP) threshold for observed visible emissions from this baghouse is 5 excursions in a 6-month reporting period. This level represents approximately 5 percent of the total number of daily visible emissions observations when the furnaces are

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



operating in full production. If the QIP threshold is exceeded in a semi-annual reporting period, a QIP will be developed and submitted to the Department.

Parameter Monitored: VISIBLE EMISSIONS

Upper Permit Limit: 1 presence of cond: yes=1; no=0

Reference Test Method: Methods 9/Method 22

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST

METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 35: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement:6 NYCRR 212.10 (c) (3)**

**Item 35.1:**

The Compliance Certification activity will be performed for:

Emission Unit: E-AFURN

Process: P02

Regulated Contaminant(s):

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

**Item 35.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The two electric arc furnaces, each having actual nitrogen oxide emissions of 87.6 pounds per hour and a combined total of 767.3 tons per year are subject to the Reasonably Available Control requirements(RACT) set forth in 6NYCRR, Part 212.10 for major sources of nitrogen oxides. As part of the initial 1999 Title V application Globe submitted as a compliance plan a RACT analysis which evaluated the technical and economic feasibility of available control technologies for electric arc furnaces. The analysis determined that there is no control technology available to comply with the RACT requirements for nitrogen oxides and requested a variance from the RACT control strategy requirements. This Department and the USEPA in the 11/25/98 correspondence from R.Ruvo(EPA) to J. Di Pronio(DEC) concurred with this determination. Therefore, the RACT demonstration was submitted to the USEPA for approval as a revision to the New York State Implementation Plan(SIP). The special conditions to establish RACT are incorporated into this Title V permit

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



as follow:

- 1.) Nitrogen Oxide emissions from both furnaces are limited to 175.2 pounds per hour and 767.3 tons per year. These emissions correspond to an average raw material input rate of 25,098 pounds per hour as demonstrated by the tracking of raw material inputs over a 24 hour period. The appropriate production recordkeeping will be maintained to demonstrate compliance with these limits and made available to Department representatives upon request.
- 2.) Globe is to maintain the refractory on each unit as per the established facility maintenance protocol.
- 3.) Globe must continue to evaluate control technologies and other compliance strategies and provide annual documentation of such evaluation to this department.

Parameter Monitored: RAW MATERIAL

Upper Permit Limit: 25098 pounds per hour

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

**Condition 36: Compliance Certification**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 212.4 (c)**

**Item 36.1:**

The Compliance Certification activity will be performed for:

Emission Unit: P-ROFIN

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The main plenum pressure drop will be monitored and recorded for the crushing and sizing baghouse, emission source S0010 (emission point EP06A), the rail car

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



baghouse, emission source S0014(emission point EP06A) and the loadout/conveyor baghouse, emission source S0012 (emission point EP007).

Pressure drop ranges are used as a diagnostic indicator of a potential problem in the operation of the baghouses and not necessarily a violation of the concentration limit. Values outside the proposed range of 1-10 inches WC will require a visual observation of the baghouse outlets. If visible emissions are observed, Globe will initiate an investigation as to the cause and initiate corrective action as necessary. Additional maintenance inspections will be performed at weekly and monthly intervals.

These parameters are proposed and may change on start-up of furnace/baghouse operations. On start-up, the actual operating ranges will be established in the record book. Also, if the pressure drop range changes as a result of filter bag change, Globe will note the new range and date of bag replacement, and operate within that range.

Records of minor corrective actions including maintenance, electrical and operational changes will be recorded in baghouse logbooks. All other corrective actions will be filed with the visible emissions observations and maintenance inspection logs.

Records shall be kept on-site for a period of 5 years and made available to Department representatives on request.

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

**Condition 37: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 212.4 (c)**

**Item 37.1:**

The Compliance Certification activity will be performed for:

Emission Unit: P-ROFIN

Regulated Contaminant(s):

CAS No: 000000-00-0 PARTICULATES

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



**Item 37.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Emissions of solid particulate from emission point EP007, associated with product handling operations, and emission point EP06A, associated with silicon metal sizing operations, shall not exceed 0.05 gr/dscf.

The dust collectors will be inspected on a daily bases for pressure change. Either charts or magnehelic gauges will be used to conduct the monitoring. Also, additional maintenance inspections are performed at weekly and monthly intervals.

Records of minor corrective actions including maintenance, electrical and operational changes will be recorded in baghouse logbooks. All other corrective actions will be filed with the visible emissions observations and maintenance inspection logs.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.05 grains per dscf

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

**Condition 38: Compliance Certification**

**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 38.1:**

The Compliance Certification activity will be performed for:

Emission Unit: P-ROFIN

**Item 38.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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



**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: 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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 39: Contaminant List**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 39.1:**

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



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

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

## **Condition 1-7: Unavoidable noncompliance and violations Effective between the dates of 11/26/2010 and 08/19/2014**

### **Applicable State Requirement: 6 NYCRR 201-1.4**

#### **Item 1-7.1:**

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

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

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

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

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

# New York State Department of Environmental Conservation

Permit ID: 9-2911-00078/00009

Facility DEC ID: 9291100078



determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 40: Unavoidable noncompliance and violations**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

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

**Item 40.1:**

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

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

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

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

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or

**New York State Department of Environmental Conservation**

**Permit ID: 9-2911-00078/00009**

**Facility DEC ID: 9291100078**



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

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 1-8: Air pollution prohibited**  
**Effective between the dates of 11/26/2010 and 08/19/2014**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 1-8.1:**

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

**Condition 41: Air pollution prohibited**  
**Effective between the dates of 08/20/2009 and 08/19/2014**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 41.1:**

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.

