



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-2911-00186/00003
Mod 0 Effective Date: 04/30/2007 Expiration Date: No expiration date.
Mod 1 Effective Date: 03/17/2008 Expiration Date: No expiration date.
Mod 2 Effective Date: 04/11/2012 Expiration Date: No expiration date.

Permit Issued To: TIER NY LLC
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303

Contact: PETER A MASSARO
TIER NY
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303
(717) 442-4400

Facility: TIER NY
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303

Contact: PETER A MASSARO
TIER NY
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303
(717) 442-4400

Description:
TIER, NY located in Niagara Falls, New York is engaged in the cleaning of rail cars, tankers, and containers. These vessels arrive empty but may contain residual amounts of chemicals. Any vapors are directed to a scrubber if chlorinated compounds were contained in the vessels.

The permit modification submitted reflects proposed changes to the scrubber system. These changes include the elimination of the vacuum pump; change in concentration of the scrubber solution and change in method to monitor caustic concentration of the scrubbing solution. The scrubber is used to control chlorine and hydrogen chloride emissions from the cleaning of tank cars which have contained acid chlorides.

Elimination of vacuum pump:

Products are off-loaded by utilizing pressure (nitrogen padding) to drive material out of the vessel. When the unloading is complete, the vessel remains under pressure and arrives at TIER to be cleaned. This above atmospheric pressure will reduce the amount of vapor formed by any liquid residual in the vessel. Before the vessel can be opened for the insertion of the cleaning tool, the pressure (2-5 psi) is slowly released over a period of 1 to 3 hours and the acid vapors



are forced into the scrubber without the need of a vacuum pump. The rate of release can be controlled by valves and pressure gauges.

Change in Concentration:

The facility will reduce the caustic concentration from 50% to 15% and the volume of the scrubber will be reduced to 750 gallons. The reduction in concentration will lower the freezing point of the solution and eliminate freezing problems. Calculations have demonstrated that this reduction in concentration will still provide the scrubbing efficiency necessary to effectively reduce HCL emissions.

Elimination of pH monitor:

pH does not indicate caustic concentration and will be replaced with titration before and after every vessel using the scrubber is cleaned.

Potential emissions of HCL have been re-calculated and at 7.4 tons per year are less than 10 tons major source threshold. Therefore, an annual emissions cap will no longer be required.

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 14203-2915

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

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



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

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

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

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

The permittee must submit a 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.

DEC Permit Conditions



Applicable State Requirement: 6 NYCRR 621.13

Item 4.1:

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 4.2:

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 4.3:

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 5: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 5.1:

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 2-1: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 2-1.1:

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

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



Condition 6: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6 NYCRR 621.14

Item 6.1:

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 7: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS
Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 7.1:

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 14203-2999
(716) 851-7165

Condition 2-2: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS
Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 2-2.1:

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: 9-2911-00186/00003

Facility DEC ID: 9291100186



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY

PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: TIER NY LLC
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303

Facility: TIER NY
33 S HYDE PARK BLVD
NIAGARA FALLS, NY 14303

Authorized Activity By Standard Industrial Classification Code:
7699 - REPAIR SERVICES, NEC

Mod 0 Permit Effective Date: 04/30/2007
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 03/17/2008
date.

Permit Expiration Date: No expiration

Mod 2 Permit Effective Date: 04/11/2012
date.

Permit Expiration Date: No expiration



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 2-1 6 NYCRR Part 212: Compliance Demonstration
- 1-1 6 NYCRR Part 212: Compliance Demonstration
- 2-2 6 NYCRR 212.4 (a): Compliance Demonstration
- 3 6 NYCRR 212.6 (a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 6 ECL 19-0301: Contaminant List
- 2-3 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 7 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 8 6 NYCRR Subpart 201-5: Emission Unit Definition
- 2-4 6 NYCRR 211.1: Air pollution prohibited
- 9 6 NYCRR 211.2: Air pollution prohibited
- 2-5 6 NYCRR 211.2: Visible Emissions Limited

Emission Unit Level

- 10 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 11 6 NYCRR Subpart 201-5: Process Definition By Emission Unit



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6 NYCRR 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6 NYCRR 200.6

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

Item C: Maintenance of Equipment - 6 NYCRR 200.7

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



required to operate such device effectively.

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: Emergency Defense - 6 NYCRR 201-1.5

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

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

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

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

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

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

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



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

Item F: Recycling and Salvage - 6 NYCRR 201-1.7

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8

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

Item H: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)

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

Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)

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

Item J: Required Emission Tests - 6 NYCRR 202-1.1

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



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

Item K: Open Fires Prohibitions - 6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item L: Permit Exclusion - ECL 19-0305

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

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

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

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 2-1: Compliance Demonstration

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



Effective between the dates of 04/11/2012 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Part 212

Item 2-1.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000106-97-8 BUTANE

CAS No: 000074-98-6 PROPANE

Item 2-1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The cleaning of railcars and trailers which had contained propane or butane. The tanks will undergo an initial inspection upon arrival at the facility. Nitrogen gas will be introduced into the vessel to purge flammable vapors from the tank. The vent line from the vessel will be directed to a flare. An adjunct propane tank will ensure ignition and continued flaring of the flammable vapor. The following shall apply to the operation of the flare:

1. The flare shall be designed for and operated with no visible emissions as determined by Reference Method 22 except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
2. The flare shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
3. The facility shall operate and maintain the flare in accordance with its design.
4. Records of the flare usage shall be kept on-site and made available to Department representatives on request.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-1: Compliance Demonstration

Effective between the dates of 03/17/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Part 212

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



Item 1-1.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This modification represents the cleaning of railcars and trailers which had contained propane or butane. The tanks will undergo an initial inspection upon arrival at the facility. Nitrogen gas will be introduced into the vessel to purge flammable vapors from the tank. The vent line from the vessel will be directed to a flare. An adjunct propane tank will ensure ignition and continued flaring of the flammable vapor. The following shall apply to the operation of the flare:

1. The flare shall be designed for and operated with no visible emissions as determined by Reference Method 22 except for periods not to exceed a total of 5 minutes during any 2 consecutive hours.
2. The flare shall be operated with a flame present at all times. The presence of a flare pilot flame shall be monitored using a thermocouple or any other equivalent device to detect the presence of a flame.
3. The facility shall operate and maintain the flare in accordance with its design.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 2-2: Compliance Demonstration

Effective between the dates of 04/11/2012 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.4 (a)

Item 2-2.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007647-01-0 HYDROGEN CHLORIDE

Item 2-2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Emissions of Hydrogen chloride (HCL) generated during the cleaning of railcars and containers containing chlorinated acids require the venting of gases through the caustic scrubbing system containing a minimum 15% concentration of caustic (sodium hydroxide).

TIER shall have in place the following to maintain compliance with the provisions of 6NYCRR, Part 212.4(a):

- 1.) The caustic concentration of the scrubber solution shall be maintained at 15% and shall be tested prior to and after the cleaning of each railcar. Records shall be kept of these readings in a logbook maintained on-site and made available to Department representatives on request.
- 2.) The scrubber/caustic tank shall be equipped with a level indicator and audible alarm when the scrubber liquid level drops below 3 feet (750 gallons).
- 4.) The stack shall be equipped with an in-stack HCL monitor with an audible alarm set at 25 ppm and calibrated on a semi-annual basis.

Records of the number of vessels cleaned which utilize the caustic scrubber, caustic concentration, tank level readings, and 25 ppm alarm conditions shall be kept in a logbook on-site for a period of 5 years and made available to Department representatives on request.

Parameter Monitored: SODIUM HYDROXIDE

Lower Permit Limit: 15 percent by volume

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 3: Compliance Demonstration

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable Federal Requirement: 6 NYCRR 212.6 (a)

Item 3.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 001310-73-2 SODIUM HYDROXIDE

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



CAS No: 007647-01-0	HYDROGEN CHLORIDE
CAS No: 007664-93-9	SULFURIC ACID
CAS No: 000000-00-0	PARTICULATES

Item 3.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six minutes of 20 percent or greater from any process emission source except only the emission of uncombined water. The Department reserves the right to request or perform a Method 9 evaluation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9 or Method 22

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



Condition 6: Contaminant List

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 6.1:

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

CAS No: 000074-98-6

Name: PROPANE

CAS No: 000106-97-8

Name: BUTANE

CAS No: 001310-73-2

Name: SODIUM HYDROXIDE

CAS No: 007647-01-0

Name: HYDROGEN CHLORIDE

CAS No: 007664-93-9

Name: SULFURIC ACID

CAS No: 0NY075-00-0

Name: PARTICULATES

Condition 2-3: Unavoidable noncompliance and violations

Effective between the dates of 04/11/2012 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 201-1.4

Item 2-3.1:

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 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 7: Unavoidable noncompliance and violations
Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement: 6 NYCRR 201-1.4

Item 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

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



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 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 8: Emission Unit Definition

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 8.1(From Mod 2):

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

Emission Unit: 0-00001

Emission Unit Description:

Cleaning of railcars, trucks and containers. A caustic scrubber is used to neutralize emissions from the tanks during cleaning of acid/chlorine generating materials.

Building(s): MAIN

Condition 2-4: Air pollution prohibited

Effective between the dates of 04/11/2012 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.1

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



Item 2-4.1:

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 9: Air pollution prohibited

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 9.1:

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 2-5: Visible Emissions Limited

Effective between the dates of 04/11/2012 and Permit Expiration Date

Applicable State Requirement:6 NYCRR 211.2

Item 2-5.1:

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

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

Condition 10: Emission Point Definition By Emission Unit

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 10.1(From Mod 2):

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 26

Diameter (in.): 6

NYTMN (km.): 4777.648

NYTME (km.): 172.945

Building: MAIN

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186



Condition 11: Process Definition By Emission Unit

Effective between the dates of 04/30/2007 and Permit Expiration Date

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 11.1(From Mod 2):

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

Emission Unit: 0-00001

Process: 001

Process Description:

Empty vessels to be cleaned are received under pressure. The pressure is slowly released over a period of 1 to 3 hours and acid gases are forced into the scrubber. Water is then sprayed inside the tank to remove any residue. Acid gases which may be generated during cleaning are sent to a caustic scrubber having a caustic concentration of a minimum 15%.

Emission Source/Control: SCRUB - Control

Control Type: SODIUM-ALKALI SCRUBBING

Emission Source/Control: CLEAN - Process

Item 11.2(From Mod 2):

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

Emission Unit: 0-00001

Process: 002

Process Description:

When cleaning tanks with residual solvent or non-acid/chlorine generating materials, the cleaning equipment is attached to the tank. The caustic scrubber is not used. Hot water and possibly caustic/detergents is sprayed inside the tanks to remove residue that may include solvents. The amount of solvents present will be minimal because any liquids will be drained from tanks prior to cleaning. The waste rinse water will be discharged to a POTW.

Emission Source/Control: CLEAN - Process

New York State Department of Environmental Conservation

Permit ID: 9-2911-00186/00003

Facility DEC ID: 9291100186

