Division of Air Resources

Permit Review Report

Permit ID: 9-2911-00111/00105
Renewal Number: 1
06/22/2026

Facility Identification Data
Name: DUREZ NIAGARA
Address: 5000 Packard Rd
Niagara Falls, NY 14304

Owner/Firm
Name: DUREZ CORPORATION
Address: 4400 Haggerty Road
Commerce Township, MI 48390, USA
Owner Classification: Corporation/Partnership

Permit Contacts
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Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This is a renewal of the Title V air permit issued to Durez Niagara under DEC ID: 9291100111. There are no changes in emissions.

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Attainment Status
DUREZ NIAGARA is located in the town of NIAGARA FALLS in the county of NIAGARA.
The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter< 10μ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.
** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:
Durez Niagara is a manufacturer of phenolic resins. The facility includes bulk chemical storage tanks for raw materials, chemical transfer operations, batch reaction vessels, finished resin grinding and conveying operations, and a hazardous waste incinerator for process wastewater.

Permit Structure and Description of Operations
The Title V permit for DUREZ NIAGARA
is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:
combustion - devices which burn fuel to generate heat, steam or power
incinerator - devices which burn waste material for disposal
control - emission control devices
process - any device or contrivance which may emit air contaminants that is not included in the above categories.

DUREZ NIAGARA is defined by the following emission unit(s):

Emission unit UINCIN - This emission unit consists of a hazardous waste incinerator for process wastewater from the Durez Niagara facility and the company's Fort Erie, Ontario, Canada facility. Emission point FBH20 is the vent for the distillate feed to the incinerator.

Emission unit UINCIN is associated with the following emission points (EP):
0IN01, FBH20
Process: 005 This process includes the incineration of the facility's process wastewater in a hazardous waste incinerator.

Emission unit UKETTL - This emission unit includes all facility production kettles and their associated condensers, vacuum pumps, receivers, and agitators. The vacuum pumps associated with kettles #1-#6 vent to a regenerative thermal oxidizer (RTO) during normal operation, but a bypass is present for periods of malfunction. The bypass will only be used when a kettle has been charged and the regenerative thermal oxidizer is malfunctioning. Kettle 7 is ducted through a condenser that removes VOCs from the air stream before being exhausted into the atmosphere.

Emission unit UKETTL is associated with the following emission points (EP):
0LR21, 0LR22, 0LR25, 0LR26, 0PB07, 0PB22, 0PB24, 0PB25, 0PB26, 0PB27, 0PB29, 0PB30, 0PR30, 0V315, PB-30
Process: 006 is located at Building M3 - Kettle 1 (0PB22) and Kettle 4 (0PB26). These kettles are used only to make liquids (there is no drop floor available). Steam is used as the heat source on the reactor jacket. Phenolic compounds, formaldehyde, and a catalyst (e.g. caustic, ammonium hydroxide) are added to the reactor to make a phenolic resin. Water or a solvent (i.e. methanol, ethanol, butanol, acetone, etc.) are added to make a liquid. The resin is filtered (PB-08) and then sent to a resin storage tank (ST-74, 77, 78), or placed in drums or totes.

When acetone is used as the solvent, acetone vapors are collected and fed to a refrigerated condenser (RF-M301) to be recovered for reuse.

Process: 007 is located at Building M3 - Kettle 2 (0PB24) and Kettle 3 (0PB25). These kettles are typically used for solids, but they can also be used for liquids. Steam is used as the heat source on the reactor jacket. Phenol, bis-phenol A, or para tertiary butyl phenol and formaldehyde with a catalyst (i.e. caustic, ammonium hydroxide) are added to the reactor to make a phenolic resin. For solid phenolic resin, the resin is placed on the cooling floor (0VF01).

Process: 008 is located at Building M3 - Kettle 5 (0PB27). This kettle is not used to produce liquid resins. Hot oil is used as a heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. sulfuric acid, oxalic acid) are added to the reactor to make phenolic resin. The phenolic resin material is sent to a holding tank, the belt flaker, or to the cooling floor.

Process: 009 is located at Building M3 - Kettle 6 (0PB29). This kettle is used to produce liquid resins and cannot be put to the cooling floor. Steam is used as a heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. sulfuric acid, oxalic acid) are added to the reactor to make phenolic resin. The liquid phenolic resin material is sent to a storage tank or transport tanker.

Process: 010 is located at Building M7 - Kettle 7 (0LR21, 0LR22, 0LR25, and 0LR26). This kettle is used only to produce liquids. There is no drop floor available. Kettle 7 is the only kettle to use allyl chloride. Steam is used as the heat source on the reactor jacket. Phenol, formaldehyde, and a catalyst (i.e. caustic,

ammonium hydroxide) are added to the reactor to make a phenolic resin. Water or a solvent (i.e. methanol, ethanol, butanol, etc.) are added to make a liquid. The resin is filtered and then sent to a resin storage tank (ST-74, 77, 78), or placed in drums.

Process: 011 is located at Building M3 - Vacuum pumps for kettles 1 through 6. These pumps are tied to the regenerative thermal oxidizer.

Emission unit USOLID - This emission unit includes all facility solid material handling units, dust collectors and ribbon mixers at resin grinding and drumming operations.

Emission unit USOLID is associated with the following emission points (EP):
0FL01, 0WH51, 0WH53, 0WH55, 0WH60, 0WH61, DC801, DM604, DM605
Process: 003 Flaker drumming with dust collector.

Molten phenolic resin is cooled on a stainless steel conveyor belt. This thin sheet of phenolic resin is broken up into flakes by a rotating crusher. The flakes are conveyed by a bucket elevator to a hopper that fills drums or super sacks. The flaker dust collector pulls any nuisance dust created by the breaking of the brittle phenolic resin or when drumming or filling super sacks.

Process: 013 is located at Building M5 - #3 crusher with dust collector. Brittle phenolic resin is reduced in size by a crusher and placed in a hopper where the material is either drummed off or placed in bags as final product. Nuisance dust is pulled into the dust collector at the crusher and packaging areas.

Process: 014 is located at Building M6 - Resin drumming with dust collector. The powdered material from the mixer in process 012 is conveyed to a drum filling station, super sack filler, or bag filling station where a dust collector pulls any nuisance dust while packaging the final product.

Process: 015 is located at Building M5 - This process consists of vacuum resin transport operations.

Process: 12A is located at Building M3 - #5 grinder crusher with dust collector. Drums or super sacks of phenolic resin are put through a crusher to break up the resin before pulverizing it into a powder. Nuisance dust is pulled into the dust collector.

Process: 12B is located at Building M5 - #5 Grinder with dust collector. The crushed resin from process 12A is passed through a grinder which pulverizes the crushed resin into a powder. The powder is pneumatically conveyed to a product dust collector and then sent to one of two mixers. The mixers have bin vents on them to collect any nuisance dust.

Process: 16A Vacuum system with dust collector. Dust collector vacuum system is used for housekeeping in the solids crushing and grinding area. Dust collected is weighed and reused.

Process: 17A Solid raw material is air-conveyed by a system in the storage warehouse to M7 Building for use in Kettle 7. Any generated dust is controlled with dust collector. Dust collected is weighed and used in production.

Emission unit UTANKS - This emission unit consists of all facility process tanks including: storage

tanks, weigh tanks, filter tanks, drums, and tank wagons.

Emission unit UTANKS is associated with the following emission points (EP):
0ST71, 0ST73, FM322, RCRAV
Process: 001 All facility process tanks used in the production of phenolic resin. Includes storage tanks, weigh tanks, filter tanks, drums, and tank wagons.

Emission unit 0UMISC - This emission unit consists of all miscellaneous facility emission sources including: a welding booth, belt flaker cooling fans, a liquid resin filter changing booth, resin cooling floor fans, pilot plant resin production equipment, and a boiler.

Emission unit 0UMISC is associated with the following emission points (EP):
0B011, 0FL02, 0MS21, 0PB08, 0VF01, 0WH40, FFR04, MPB30, TM103
Process: 004 All miscellaneous facility sources involved in the production of phenolic resins. Includes a welding booth, belt flaker, cooling fans, a liquid resin filter changing booth fan, resin cooling floor ventilation fans, pilot plant resin production equipment, and a boiler. Phenol emissions from the flaker belt are ducted to the regenerative thermal oxidizer through an old wet scrubber that has been removed from service but not physically removed from the system.

Title V/Major Source Status
DUREZ NIAGARA is subject to Title V requirements. This determination is based on the following information:
Durez Niagara is subject to Title V requirements. This determination is based on the following information:

Durez Niagara is not currently a major source of any regulated air contaminants. The facility has provided NYSDEC with a series of emissions calculations that demonstrate that it is not major. NYSDEC has reviewed those calculations in detail and agrees with their results.

Durez Niagara is required to obtain a Title V permit by 40 CFR 63 Subpart EEE because the facility operates a hazardous waste incinerator.

Program Applicability
The following chart summarizes the applicability of DUREZ NIAGARA with regards to the principal air pollution
regulatory programs:

Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	YES

NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	NO
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:
PSD Prevention of Significant Deterioration (40 CFR 52.21, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 220-1.6, 220-1.7, 220-2.3, 220-2.4, 226, 227-2, 228, 229, 230, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The

term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status
Facility is in compliance with all requirements.

SIC Codes
SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
2821	PLASTICS MATERIALS AND RESINS
2869	INDUSTRIAL ORGANIC CHEMICALS,NEC

SCC Codes
SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
3-01-018-05	CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - PLASTICS PRODUCTION Phenolic Resins
3-01-018-11	CHEMICAL MANUFACTURING CHEMICAL MANUFACTURING - PLASTICS PRODUCTION Storage

Facility Emissions Summary
In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the

capacity of the facility or air contamination source to emit any air contaminant , including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000084-74-2	1,2-BENZENEDICARBOXYLIC ACID, DIBUTYL ESTER	1			
000107-06-2	1,2-DICHLOROETHANE	1			
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN	1			
000091-57-6	2-METHYL NAPHTHALENE	1			
000108-10-1	2-PENTANONE, 4-METHYL	71			
000107-18-6	2-PROPEN-1-OL	13			
000107-05-1	3-CHLORO-1-PROPENE	93			
000123-42-2	4-HYDROXY-4-METHYL-2-PENTANONE	4			
000083-32-9	ACENAPHTHENE	1			
000208-96-8	ACENAPHTHYLENE	1			
007429-90-5	ALUMINUM	1			
000120-12-7	ANTHRACENE	1			
007440-38-2	ARSENIC	1			
007440-39-3	BARIUM	1			
000071-43-2	BENZENE	1			
000098-82-8	BENZENE, (1-METHYLETHYL)	1			
000526-73-8	BENZENE,1,2,3-TRIMETHYL-	0.27			
000056-55-3	BENZO(A)ANTHRACENE	1			
000050-32-8	BENZO(A)PYRENE	1			
000192-97-2	BENZO(E)PYRENE	1			
000205-99-2	BENZO[B]FLUORANTHENE	1			
000191-24-2	BENZO[G,H,I]PERYLENE	1			
000207-08-9	BENZO[K]FLUORANTHENE	1			
000065-85-0	BENZOIC ACID C7H6O2	1			
007440-41-7	BERYLLIUM	1			
000117-81-7	BIS(2-	1			

	ETHYLHEXYL) PHTHALATE	
000075-27-4	BROMODICHLOROMETHANE	1
007440-43-9	CADMIUM	1
000075-15-0	CARBON DISULFIDE	1
000630-08-0	CARBON MONOXIDE	1
000056-23-5	CARBON TETRACHLORIDE	1
007782-50-5	CHLORINE	1
000108-90-7	CHLOROBENZENE	1
000124-48-1	CHLORODIBROMOMETHANE	1
007440-47-3	CHROMIUM	1
018540-29-9	CHROMIUM(VI)	1
000218-01-9	CHRYSENE	1
007440-48-4	COBALT	1
007440-50-8	COPPER	1
001319-77-3	CRESYLIC ACID	15
000075-09-2	DICHLOROMETHANE	1
000067-64-1	DIMETHYL KETONE	1
000079-00-5	ETHANE, 1,1,2-TRICHLORO	1
000100-41-4	ETHYLBENZENE	1
000206-44-0	FLUORANTHENE	1
000086-73-7	FLUORENE	1
000050-00-0	FORMALDEHYDE	1
007647-01-0	HYDROGEN CHLORIDE	1
000193-39-5	INDENO[1,2,3-CD]PYRENE	1
007439-92-1	LEAD	1
007439-96-5	MANGANESE	1
007439-97-6	MERCURY	1
000067-56-1	METHYL ALCOHOL	1
000074-83-9	METHYL BROMIDE	1
000074-87-3	METHYL CHLORIDE	1
000078-93-3	METHYL ETHYL KETONE	1
000121-44-8	N,N-DIETHYL ETHANAMINE	1.4
000091-20-3	NAPHTHALENE	1
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	1
0NY210-00-0	OXIDES OF NITROGEN	1
0NY075-00-0	PARTICULATES	1
000085-01-8	PHENANTHRENE	1
000108-95-2	PHENOL	1
007723-14-0	PHOSPHORUS (YELLOW)	1
0NY075-00-5	PM-10	1
000129-00-0	PYRENE	1
007440-22-4	SILVER	1
007446-09-5	SULFUR DIOXIDE	1

000108-88-3	TOLUENE	1
0NY100-00-0	TOTAL HAP	1
000079-01-6	TRICHLOROETHYLENE	1
007440-62-2	VANADIUM	1
0NY998-00-0	VOC	1
001330-20-7	XYLENE, M, O & P MIXT.	1
007440-66-6	ZINC	1

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: 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.

Item B: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(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 C: Certification by a Responsible Official - 6 NYCRR Part 201-6.2(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 D: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.4(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 E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.4(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 F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(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 G: Property Rights - 6 NYCRR 201-6.4(a)(6)
This permit does not convey any property rights of any sort or any exclusive privilege.

Item H: Severability - 6 NYCRR Part 201-6.4(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 I: Permit Shield - 6 NYCRR Part 201-6.4(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 J: Reopening for Cause - 6 NYCRR Part 201-6.4(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 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 2 01-6.7 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 K: Permit Exclusion - ECL 19-0305

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

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

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.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

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

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

(1) An emergency occurred and that the facility owner or operator can identify the cause(s) of the emergency;
(2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;
(3) During the period of the emergency the facility owner 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 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 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_02

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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY	ECL 19-0301	71	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 61-A	30	General Provisions - applicability of

FACILITY	40CFR 61-FF	31	part 61 Benzene Emissions from Benzene waste operations
U-INCIN	40CFR 63-A	49	Subpart A - General Provisions apply to all NESHAP affected sources
U-INCIN	40CFR 63-EEE.1206(b)(5)	50	Hazardous Waste Combustor NESHAP - Changes in design, maintenance, etc.
FACILITY	40CFR 63-EEE.1206(c)	32	Operating requirements
U-INCIN	40CFR 63-EEE.1206(c)(3)	51	Hazardous Waste Combustor NESHAP - Automatic Waste Feed Cutoff (AWFCO) requirements
U-INCIN	40CFR 63-EEE.1206(c)(3)	52	Hazardous Waste Combustor NESHAP - Testing of AWFCO system
U-INCIN	40CFR 63-EEE.1206(c)(5)	53	Hazardous Waste Combustor NESHAP - Combustion system leaks
FACILITY	40CFR 63-EEE.1207(b)(1)	33, 34, 35, 36, 37, 38, 39, 40, 41	Hazardous Waste Combustor NESHAP - Comprehensive performance tests
FACILITY	40CFR 63-EEE.1207(b)(2)	42	Hazardous Waste Combustor NESHAP - Confirmatory performance test
FACILITY	40CFR 63-EEE.1207(e)	43, 44, 45	Hazardous Waste Combustor NESHAP - Performance Testing Notifications
U-INCIN	40CFR 63-EEE.1209	54, 55, 56, 57, 58, 59	Monitoring Requirements
U-INCIN	40CFR 63-EEE.1209(a)(2)	60	Hazardous Waste Combustor NESHAP - performance specifications
U-INCIN	40CFR 63-EEE.1209(c)	61	Other monitoring requirements
U-INCIN	40CFR 63-EEE.1209(j)(4)	62	Hazardous Waste Combustor NESHAP - DRE standards - operation of waste firing system
U-INCIN	40CFR 63-EEE.1209(k)(1)	63	Hazardous Waste Combustor NESHAP - Dioxins and Furans monitoring provisions
U-INCIN	40CFR 63-EEE.1209(l)(1)	64	Hazardous Waste Combustor NESHAP - Mercury monitoring - feedrate of total mercury limit
U-INCIN	40CFR 63-EEE.1209(m)(1)	65, 66, 67	Hazardous Waste Combustor NESHAP - PM monitoring - other particulate matter

			control devices
U-INCIN	40CFR 63-EEE.1209(m)(3)	68	Hazardous Waste Combustion NESHAP - Monitoring Standards - PM maximum ash feedrate
U-INCIN	40CFR 63-EEE.1209(n)(2)	69, 70	Hazardous Waste Combustor NESHAP - monitoring provisions for semivolatile and low-volatile metals
FACILITY	40CFR 63-EEE.1219(a)	46	Hazardous Waste Combustion NESHAP - Replacement Standards - Emission limits for existing sources
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	2	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	72, 73	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	21, 47, 48	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	3	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16, 17	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	4	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	5	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii	6	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	1	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	7	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)	22	Operational Flexibility

FACILITY	6NYCRR 201-6.4(f)(2)	23	Operational Flexibility - Protocol
FACILITY	6NYCRR 201-6.4(g)	24	Permit Shield
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.4(a)(3)	25	Emission statement methods and procedures
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	74	General Prohibitions - air pollution prohibited
U-KETTL	6NYCRR 211.1	76	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.2	26	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 212-1.6	27	Limiting of Opacity
U-INCIN	6NYCRR 212-2.2	75	High Toxicity Air Contaminants (HTACs) Mass Emission Limits
U-TANKS	6NYCRR 212-2.2	77	High Toxicity Air Contaminants (HTACs) Mass Emission Limits
FACILITY	6NYCRR 212-2.4(b)	28	Control of Particulate from New and Modified Process Emission Sources
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 226-1.3	29	General Requirements

Applicability Discussion:
Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301
This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6
Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7
Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4
This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7
Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8
Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)
An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)
The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial 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.

6 NYCRR Subpart 201-6
This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)
This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)
This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)
This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)
This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling,

measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)
This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)
This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (4)
This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)
Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (g)
Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6 NYCRR 202-1.1
This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.5
This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6 NYCRR 211.2
This regulation limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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.

40 CFR Part 68

This Part lists the regulated substances and there applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F
Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements
In addition to Title V, DUREZ NIAGARA has been determined to be subject to the following regulations:
40 CFR 63.1206 (b) (5)
The condition requires the facility to notify NYSDEC of any changes that may adversely affect compliance with an emission standard not monitored by the continous emission monitoring system (CEMS).

40 CFR 63.1206 (c)
This condition establishes reporting requirements for emission exceedances and operating requirements.

40 CFR 63.1206 (c) (3)
This condition reduces the emissions of hazardous air pollutants (HAPs) by requiring the facility to implement an automatic shut-off system that will shut down the equipment that feeds hazardous waste into the incinerator. This will be done whenever any monitored value exceeds the emission standard set in this air permit.

40 CFR 63.1206 (c) (3) (vii)
This condition states the testing requirements of the AWFCO system.

40 CFR 63.1206 (c) (5)
This condition requires the facility to reduce leaks of hazardous air pollutants (HAPs) by taking steps to reduce the leaking of HAPs in the combustion chamber.

40 CFR 63.1207 (b) (1)
This condition lists the standards that the facility must meet when a comprehensive performance test is required.

40 CFR 63.1207 (b) (2)

This condition explains that the facility must do a confirmatory performance test in order to monitor the emissions of dioxins and furans.

40 CFR 63.1207 (e)
This citation stats the requirement for notification of performance test and CMS performance evaluation, and approval of test plan and CMS performance evaluation plan.

40 CFR 63.1209
This condition establishes a feedrate limit for organic content fed into the incinerator.

40 CFR 63.1209 (a) (2)
This condition requires the facility to ensure that the continuous monitor that is installed to be properly maintained and operated so that the emission results it reads is accurate.

40 CFR 63.1209 (c)
This citation states the requirements for an analysis of feedstreams prior to feeding the material into the incinerator.

40 CFR 63.1209 (j) (4)
This condition requires that in order for the facility to determine if it is complying with the destruction and removal efficiency standard, then parameters must be established during the performance test which indicate proper operation of the waste firing system.

40 CFR 63.1209 (k) (1)
This condition requires that in order for the facility to determine if it is complying with the dioxin and furan emission standard, then a minimum combustion temperature must be established during the performance test.

40 CFR 63.1209 (l) (1)
During the comprehensive performance test, the maximum level of mercury is established which will ensure that the hazardous waste combustor does not exceed the emission limit for mercury. The facility will then need to monitor the mercury content of the hazardous waste to prove that the limit has not been exceeded.

40 CFR 63.1209 (m) (1) (iv)
In order to determine whether the hazardous waste combustor is meeting the emission limit for particulate matter (PM), the facility must monitor certain parameters to ensure that the control device(s) being used are working properly. This condition requires the facility to determine certain parameters during the performance test that reflect emissions from the hazardous waste combustor that are under the PM limit

and then monitor those parameters to ensure that the facility is constantly in compliance.

40 CFR 63.1209 (m) (3)
This regulation requires that the facility owner or operator limit the maximum ash feed rate to the hazardous waste incinerator to reduce emissions of particulate matter. The ash feed rate shall be monitored on a continuous basis using data collected as described in the feed analysis plan and shall be established during each comprehensive performance test.

40 CFR 63.1209 (n) (2) (ii)
When the facility is monitoring the hazardous waste feedstream for the amount of metals being loaded into the hazardous waste combustor, the facility must set a limit based on the loading during the comprehensive performance test. This condition allows the facility to use extrapolation if they wish to feed more metals into the combustor, as long as the calculation shows that the facility will still be under the emission limits for metals.

40 CFR 63.1219 (a)
The emission limit for dioxin from the unit is 0.20 nanograms of TEQ per dry standard cubic foot

40 CFR Part 61, Subpart A
This regulation, 40 CFR 61 Subpart A, lists the general provisions that a facility subject to a National Emissions Standard for Hazardous Air Pollutant is subject to.

40 CFR Part 61, Subpart FF
This Subpart regulates the emission standards for benzene waste operations.

40 CFR Part 63, Subpart A
The General Provisions in 40 CFR Part 63, Subpart A apply to facilities subject to other National Emission Standards for Hazardous Air Pollutants for Source Categories (NESHAP) regulations in 40 CFR Part 63. These rules are also known as MACT rules since they are based on attaining Maximum Achievable Control Technology. Each MACT rule has a table or section that descibe which portions of the General Provisions apply to facilities covered by that particular rule and which portions are overridden or do not apply. Note that NESHAP regulations found in 40 CFR Part 61 do not trigger the general provisions of 40 CFR Part 63.

6 NYCRR 201-6.4 (f)
This section describes the potential for certain operational changes to be made by the facility owner or operator without first obtaining a permit modification. Changes made pursuant to this provision must meet all of the criteria described in this section to qualify for consideration as operational flexibility. The Department reserves the right to require the facility owner or operator to obtain a permit modification prior to making any changes at the facility pursuant to this section.

6 NYCRR 201-6.4 (f) (2)
This section describes the requirements for operational flexibility protocols included in Title V permits. The facility owner or operator may make certain changes to the facility that have been reviewed and approved pursuant to the protocol without first obtaining a permit modification for those changes.

6 NYCRR 202-2.4 (a) (3)
Once a facility is required to submit annual emission statements electronically, emission statements must be submitted to the department per the specified schedule, in this regulation beginning the reporting year that a Title V permit containing a condition mandating electronic submittal is issued.

6 NYCRR 211.1
This regulation requires that 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.

6 NYCRR 212-1.6
This Section of Subpart 212-1 regulates opacity from applicable sources.

6 NYCRR 212-2.2
Table 2 of 212-2.2 lists the compounds eligible for the alternative compliance option. The table lists actual annual mass emission limits for select compounds. The mass emission limit represents a conservative offsite concentration which will be below the respective annual guideline concentration for the particular air contaminant.

6 NYCRR 212-2.4 (b)
Particulate emissions from any process emission source, which received a B or C Environmental Rating, and for which an application was received by the department after July 1, 1973 are restricted to 0.050 grains per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

6 NYCRR 226-1.3
This section lists the general requirements for owners or operators conducting solvent cleaning processes.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
FACILITY	40 CFR Part 60, Subpart Kb	NSPS for volatile organic liquid storage vessels- applicability and designation of affected facilities

Reason: 40 CFR 60 Subpart Kb applies to certain bulk storage tanks with capacities greater than 75 cubic meters installed after July 23, 1984. This facility includes three tanks that are potentially subject to 40 CFR 60 Subpart Kb. Those tanks are:

Tanks 32 and 65, storing phenol (vapor pressure 0.848 kPa), installed in August 1986; and

Tank 61, storing formalin (vapor pressure 2.93 kPa), installed in August 1986.

Each tank has a volume less than 39,900 gallons (151 cubic meters), and is storing a liquid with a maximum true vapor pressure less than 15 kilopascals. As a result, 40 CFR 60 Subpart Kb does not apply to these tanks as described in 40 CFR 60.110b(b).

FACILITY	40 CFR Part 63, Subpart OOO	Amino/Phenolic Resins MACT

Reason: Durez Niagara has submitted a series of emissions calculations to the Department demonstrating that the facility was not a major facility at any point since the promulgation of 40 CFR 63 Subpart OOO. The Department has reviewed these calculations in detail, and agrees with their results. Accordingly, 40 CFR 63 Subpart OOO does not apply to their resin production operations as described in Section 63.1400(a) because Durez Niagara is not a major source as defined in 40 CFR 63.2

FACILITY	40 CFR Part 64	COMPLIANCE ASSURANCE MONITORING

Reason: Durez Niagara has supplied the Department with a series of emissions calculations that demonstrate that the facility's emissions do not exceed the major facility thresholds. Accordingly, the facility is not subject to the Compliance Assurance Monitoring requirements of 40 CFR 64.

FACILITY	6 NYCRR Part 219	Incinerators

Reason: This facility is not subject to 6 NYCRR Part 219 because it does not apply to hazardous waste incinerators.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification
Summary of monitoring activities at DUREZ NIAGARA:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
FACILITY	31	record keeping/maintenance procedures
U-INCIN	50	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
U-INCIN	51	record keeping/maintenance procedures
U-INCIN	52	record keeping/maintenance procedures
U-INCIN	53	monitoring of process or control device parameters as surrogate
FACILITY	33	intermittent emission testing
FACILITY	34	intermittent emission testing
FACILITY	35	intermittent emission testing
FACILITY	36	intermittent emission testing
FACILITY	37	intermittent emission testing
FACILITY	38	intermittent emission testing
FACILITY	39	intermittent emission testing
FACILITY	40	intermittent emission testing
FACILITY	41	intermittent emission testing
FACILITY	42	intermittent emission testing
FACILITY	43	record keeping/maintenance procedures
FACILITY	44	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
U-INCIN	54	monitoring of process or control device parameters as surrogate
U-INCIN	55	monitoring of process or control device parameters as surrogate
U-INCIN	56	monitoring of process or control device parameters as surrogate
U-INCIN	57	monitoring of process or control device parameters as surrogate
U-INCIN	58	monitoring of process or control device parameters as surrogate
U-INCIN	59	monitoring of process or control device parameters as surrogate
U-INCIN	60	record keeping/maintenance procedures
U-INCIN	61	record keeping/maintenance procedures
U-INCIN	62	monitoring of process or control device parameters as surrogate
U-INCIN	63	monitoring of process or control device parameters as surrogate
U-INCIN	64	monitoring of process or control device parameters as surrogate

U-INCIN	65	monitoring of process or control device parameters as surrogate
U-INCIN	66	monitoring of process or control device parameters as surrogate
U-INCIN	67	monitoring of process or control device parameters as surrogate
U-INCIN	68	monitoring of process or control device parameters as surrogate
U-INCIN	69	monitoring of process or control device parameters as surrogate
U-INCIN	70	monitoring of process or control device parameters as surrogate
FACILITY	46	continuous emission monitoring (cem)
FACILITY	73	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	23	record keeping/maintenance procedures
U-KETTL	76	monitoring of process or control device parameters as surrogate
FACILITY	27	monitoring of process or control device parameters as surrogate
U-INCIN	75	record keeping/maintenance procedures
U-TANKS	77	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	record keeping/maintenance procedures

Basis for Monitoring
Operation of the Regenerative Thermal Oxidizer

As part of Permit Renewal 0, Modification 2, the facility removed the wet scrubber formerly used to control phenol emissions from the belt flaker (Process 004). Phenol emissions from this process were assigned a B rating as described in 6 NYCRR Part 212. In order to maintain an appropriate level of emissions reduction and meet the requirements of Consent Order CO 9-19990128-23, the facility ducted the emissions from Process 004 (Kettles 1 -6) to the Regenerative Thermal Oxidizer (RTO) for control.

Accordingly, as required by the Consent Order, the facility owner or operator must operate the RTO during all periods when the belt flaker is in use. Further, the facility owner or operator must operate the RTO during all periods where process materials are present in kettles 1-6 as also stipulated in the Consent Order.

In order to demonstrate that the oxidizer is being operated as described above, the facility owner or operator must continuously monitor and record the operating temperature of the RTO while it is in use. In addition, the facility owner or operator must maintain a record of each startup and shutdown of the unit.

40 CFR 63 Subpart A General Provisions

This condition states that the facility is subject to the general provisions in 40 CFR 63 Subpart A.

Combustion System Leaks

40 CFR 63.1206(c)(5) requires that the owner or operator of a hazardous waste incinerator keep the combustion zone sealed at all times to prevent leaks. In order to demonstrate compliance with this requirement, the facility owner or operator must monitor the pressure in the combustion zone at all times,

and terminate hazardous waste feed if the limit is exceeded. The facility owner or operator is prohibited from performing soot blowing when hazardous waste is present in the combustion chamber.

Minimum Combustion Chamber Temperature

40 CFR 63.1209(j)(1) and 1209(k)(2) require the owner or operator of a hazardous waste incinerator to establish and monitor a minimum combustion chamber temperature limit in order to demonstrate compliance with the Destruction and Removal Efficiency (DRE) and dioxin and furan (dioxin) standards.

During the most recent Comprehensive Performance Test (CPT), the facility demonstrated compliance with these standards with a minimum combustion chamber temperature of 1662 degrees Fahrenheit.

Accordingly, the revised minimum combustion chamber temperature limit is 1662 degrees Fahrenheit.

Maximum Flue Gas Flow Rate

40 CFR 63 Subpart EEE requires that the owner or operator of a hazardous waste incinerator establish and monitor the maximum flue gas flow rate in order to demonstrate compliance with the standards for DRE, dioxin, particulate matter (PM), low-volatility and semi-volatile metals, and hydrogen chloride/chlorine (HCl) (see 40 CFR 63 Sections 1209(j)(2), 1209(k)(3), 1209(m)(2), 1209(n)(5), and 1209(o)(2)).

In order to determine the numerical value of this limit, the facility owner or operator must calculate the average of the flue gas flow rate recorded during the CPT for each of the listed parameters. Further, 40 CFR 63 Section 1209(i) states that when multiple standards require monitoring of the same parameter, the facility owner or operator must take the most stringent of the recorded averages as the final permitted limit.

The maximum flue gas flow rate is set at 6380 cubic feet per minute.

Maximum Hazardous Waste Feed Rate

40 CFR 63.1209(j)(3) and 1209(k)(4) require that the owner or operator of a hazardous waste incinerator establish a limit on the maximum hazardous waste feed rate in order to demonstrate compliance with the DRE and dioxin standards.

The maximum feed rate recorded during the CPT that demonstrated compliance was 44 pounds per minute. Accordingly, the revised maximum hazardous waste feed rate limit is 44 pounds per minute on a one-hour rolling average basis.

Minimum Atomizing Air Pressure

40 CFR 63.1209(j)(4) requires the owner or operator of a hazardous waste incinerator to establish and monitor operating parameters that ensure the hazardous waste firing system is maintained in good working order.

The atomizing air pressure of the hazardous waste firing system is an indicator of the performance of the system. Atomizing pressure is based on the manufacturer's specification. The minimum atomizing pressure is 11 inches of water, and the maximum atomizing pressure is 36 inches of water.

Maximum Mercury Feed Rate

40 CFR 63.1209(l)(1) requires that the owner or operator of a hazardous waste incinerator establish a limit

on the maximum feed rate of mercury on a 12-hour rolling average basis in order to demonstrate compliance with the emission standard for mercury contained in 40 CFR 63.1219(a)(2).

Maximum feed rate of mercury is 0.000146 pounds per 12-hours, on a 12-hour rolling average basis.

Wet Electrostatic Precipitator (WESP)

The WESP is used to remove may types of pollutants from the combustion gases. The WESP removes dioxins, semi volatile and low volatile metals, and particulate matter. The association between semi volatile and low volatile metals control and particulate matter control is noted in 40 CFR 63.1209(n)(3) which refers to 40 CFR 63.1209(m)(1).

Because of the liquid component of the WESP, the WESP has removal characteristics and operating parameters like a wet scrubber.

The WESP is a control device not specifically listed 40 CFR 63.1209. 40 CFR 63.1209(m)(1)(iv) requires that the owner or operator of a control device not specifically listed in 40 CFR 63.1209 ensure that the control device is being properly operated and maintained by establishing a range of operating values that indicate proper operation of that device. For the WESP this includes the sump liquor pH, minimum WESP secondary power, maximum WESP inlet temperature, minimum WESP spray water flow rate, and minimum WESP sump blowdown rate.

Sump Liquor pH

The operating values of the sump liquor pH in the WESP are covered by 40 CFR 63.1209(m)(1)(iv). The solubility of heavy metals in wastewater solutions decreases with the pH of the solution. A low pH (less than 4) in the sump liquor could cause the collected metals to become available as particulate matter and become re-entrained in the exhaust gases.

While most of the process distillates collected at the plant have a pH between 7 and 9, heavy use of some processes could cause the pH to drop into the 4-6 range, potentially causing collected metals to precipitate out of solution. As a result, it is necessary for the facility to monitor the pH of the sump liquor to ensure that this does not happen.

A minimum pH value of 6.5 is sufficient to ensure that any suspended metals do not precipitate out of solution and become available as particulate matter.

Minimum WESP Secondary Power

The operating values of the secondary power in the WESP are covered by 40 CFR 63.1209(m)(1)(iv). The secondary power of the unit is an indicator of appropriate control of fine particulate matter including metals, and it is an effective surrogate for demonstrating compliance with the particulate matter standard in 40 CFR 63.1219(a)(7).

The secondary power recorded during the most recent CPT was 11.5 kW. Accordingly, the revised minimum WESP secondary power limit is 11.5 kW.

Maximum WESP Inlet Temperature

The operating values of the inlet temperature in the WESP are covered by 40 CFR 63.1209(m)(1)(iv)(D) and 40 CFR 63.1209(k).

40 CFR 63.1209(m)(1)(iv)(D) and 40 CFR 63.1209(k) allows operating parameter limits to be based on manufacturer specifications. The maximum WESP inlet temperature, as specified by Croll-Reynold, for the Durez Niagara unit is 220 degrees Fahrenheit.

Minimum WESP Spray Water Flow Rate

The operating values of the spray water flow rate in the WESP are covered by 40 CFR 63.1209(m)(1)(iv). The spray water flow rate of the unit assists with cleaning the electrodes. The spray water flow is an indicator of appropriate control of fine particulate matter including metals, and it is an effective surrogate for demonstrating compliance with the particulate matter standard in 40 CFR 63.1219(a)(7).

Compliance with the particulate standard in 40 CFR 61.1219(a)(7) was demonstrated during the CPT. The spray water flow was 224 gallons per minute. Accordingly, the revised spray water flow limit is 224 gallons per minute.

Minimum WESP Sump Blowdown Rate

The operating values of the blowdown rate in the WESP are covered by 40 CFR 63.1209(m)(1)(iv). The sump blowdown rate of the unit removes collected particles from the sump before recycling the spray water. The sump blowdown rate is an indicator of appropriate removal of collected particulates and proper control of fine particulate matter including metals, and it is an effective surrogate for demonstrating compliance with the particulate matter standard in 40 CFR 63.1219(a)(7).

Compliance with the particulate standard in 40 CFR 61.1219(a)(7) was demonstrated during the CPT and sump blowdown rate recorded was 7.2 gallons per minute. Accordingly, the revised sump blowdown rate is 7.2 gallons per minute.

Maximum Ash Feed Rate

40 CFR 63.1209(m)(3) requires the owner or operator to establish a limit on the maximum feed rate of ash to the hazardous waste incinerator to demonstrate compliance with the particulate matter standard in 40 CFR 63.1219(a)(7).

Compliance with the particulate matter standard was demonstrated during the CPT.
The revised maximum ash feed rate is 42.5 pounds per 12 hours, on a 12-hour rolling average basis.

Maximum Lead/Cadmium Feed Rate

40 CFR 63.1209(n)(2)(ii) requires that the owner or operator of a hazardous waste incinerator establish a maximum combined feed rate of lead and cadmium on a 12-hour rolling average basis in order to demonstrate compliance with the emission standard for those metals contained in 40 CFR 63.1219(a)(3).

In order to determine the numerical value of this limit, the facility owner or operator must calculate the average of the combined lead and cadmium feed rates during the CPT. The facility demonstrated compliance during the recently conducted CPT. The revised maximum feed rate of semi-volatile metals is 0.0233 pounds per 12-hours, on a 12-hour rolling average basis.

Maximum Beryllium/Arsenic/Chromium Feed Rate

40 CFR 63.1209(n)(2)(ii) requires that the owner or operator of a hazardous waste incinerator establish a

maximum combined feed rate of beryllium, arsenic, and chromium on a 12-hour rolling average basis in order to demonstrate compliance with the emission standard for those metals contained in 40 CFR 63.1219(a)(4).

In order to determine the numerical value of this limit, the facility owner or operator must calculate the average of the combined beryllium, arsenic, and chromium feed rates during the CPT. The facility demonstrated compliance during the recently conducted CPT. The revised maximum feed rate of low-volatility metals is 0.0072 pounds per 12-hours, on a 12-hour rolling average basis.

Maximum Total Chlorine Feed Rate

40 CFR 63.1209(n)(4) and 40 CFR 63.1209(o)(1) require that the owner or operator of a hazardous waste incinerator establish a maximum total chlorine and chloride feed rate on a 12-hour rolling average basis in order to demonstrate compliance with the low volatility metals, semi-volatile metals, hydrogen chloride, and chlorine gas emissions standards contained in 40 CFR 63.1219(a)(3), 1219(a)(4), and 1219(a)(6). Further, 40 CFR 63.1207(g)(1)(i)(A) requires that the facility owner or operator feed normal or higher levels of chlorine during the dioxin test.

The revised maximum total chlorine and chloride feed rate is 17.2 pounds per 12-hours, on a 12-hour rolling average basis.