



**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
OFFICE OF AIR RESOURCES**

**OPERATING PERMIT**

*Industrial Container Services – RI, LLC*

**PERMIT NO. RI-04-12**

(Renewal date: 12/20/2012)  
(Expiration date: 12/20/2017)

**Pursuant to the provisions of Air Pollution Control Regulation No. 29, this operating permit is issued to:**

Industrial Container Services – RI, LLC  
455 George Washington Highway  
Smithfield RI, 02917

**This permit shall be effective from the date of its issuance. All terms and conditions of the permit are enforceable by USEPA and citizens under the federal Clean Air Act, 42 U.S.C. 7401, et seq., unless specifically designated as not federally enforceable.**

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**Douglas L. McVay, Chief  
Office of Air Resources**

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**Date of issuance: 12/20/2012**

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## SECTION I. SOURCE SPECIFIC CONDITIONS

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### A. Requirements for Emission Units D001 and W001

The following requirements are applicable to:

- Emission unit D001, which is a 13.65 MMBTU/hr Spencer Boiler and Engineering Inc. Drum Reclamation Furnace, Model No. SBC090, which burns natural gas. Emission unit D001 is associated with air pollution control devices C001, C002 and C003. C001 - C002 uses bicarbonate of soda injection as scrubbing liquid. C003 is a 360, bag pulse jet Amerex dust collector.
- Emission unit W001, which is an 8.652 MMBTU/hr Superior Fire Tube boiler, Model No. MS5-DC-3472-5150-GP-G, which burns natural gas. Emission unit W001 is associated with air pollution control devices C002 and C003.

#### 1. Emission Limitations

##### a. Particulates

- (1) The concentration of particulate matter discharged to the atmosphere shall not exceed 0.06 grains per dry standard cubic foot (gr/dscf) corrected to 12 percent CO<sub>2</sub>. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(1)(a)]
- (2) The emission rate of particulate matter discharged to the atmosphere shall not exceed 1.82 lbs per hour. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(1)(b)]

##### b. Arsenic

The emission rate of arsenic shall not exceed 0.0022 lbs/hr and 19 pounds per year. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4)] [Air Toxics Approval No. 1051/04(B)(7)]

##### c. Cadmium

The emission rate of cadmium shall not exceed 0.0067 lbs/hr and 59 pounds per year. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4)] [Air Toxics Approval No. 1051/04(B)(8)]

d. Chromium (VI)

The emission rate of chromium (VI) shall not exceed 0.0010 lbs/hr and 8.8 pounds per year. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4), Air Toxics Approval No. 1051/04(B)(9)]

e. Lead

The emission rate of lead shall not exceed 1.2 lbs/hr. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4)]

f. Nickel

The emission rate of nickel shall not exceed 0.022 lbs/hr and 190 pounds per year. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4), Air Toxics Approval No. 1051/04(B)(11)]

g. Manganese

The emission rate of manganese shall not exceed 0.52 lb/hr. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(4), Air Toxics Approval No. 1051/04(B)(10)]

h. Hydrogen Chloride

The emission rate of hydrogen chloride discharged to the atmosphere shall not exceed 1.30 pounds per hour. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(3)(a), Air Toxics Approval No. 1051/04(B)(12)]

i. Volatile Organic Compounds

The emission rate of volatile organic compounds discharged to the atmosphere shall not exceed 0.3 lbs per hour. [Approval Nos. 1052 – 1053, 1255 and 1757(A)(2)(a)]

j. Hazardous Air Pollutants

The total quantity of Hazardous Air Pollutant (HAP) emitted from D001 shall not exceed 6,000 pounds of any one (1) HAP or 16,000 pounds of any combination of HAPs in any consecutive 12 month period.

k. Opacity

Visible emissions from either exhaust stack shall not exceed 10% opacity. [1.2, Approval Nos. 1052 – 1053, 1255 and 1757(A)(5)] Where the

presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

## 2. Operating Requirements

- a. Arsenic, cadmium, chromium(VI), manganese and nickel shall be emitted only from D001. Hydrogen chloride shall be emitted only from D001 and the closed head drum progressive washers. [Air Toxics Approval No. 1051/04(B)(1)] **Not Federally Enforceable**
- b. There shall be no bypassing of C001, C002 and C003 at any time that D001 is processing drums. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(6)]
- c. Emissions generated from D001 shall be controlled by C002 and C003. [Air Toxics Approval No. 1051/04(B)(4)] **Not Federally Enforceable**
- d. The inlet temperature to C003 shall not exceed 350°F. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(4), Air Toxics Approval No. 1051/04(B)(6)]
- e. The temperature of C001 shall be maintained at or above 1450° F (rolling three-hour average) at all times when D001 is operating, except as follows: In the event that the furnace conveyor becomes jammed, the temperature of C001 shall be maintained at or above 1450° F for at least five minutes following the conveyor stoppage. If the conveyor stoppage is longer than five minutes, the temperature of C001 shall be restored to at least 1450° F prior to resumption of the conveyor operation. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(1), Air Toxics Approval No. 1051/04(B)(5)]
- f. D001 line speed shall not exceed 14 feet per minute. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(2), Air Toxics Approval No. 1051/04(B)(2)]
- g. The quantity of drums processed in D001 shall not exceed 300 per hour. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(3), Air Toxics Approval No. 1051/04(B)(3)]
- h. W001 shall burn only natural gas and the maximum heat input to the burner shall not exceed 8.652 MMBTU/hr. [Approval Nos. 1052 – 1053, 1255 and 1757(B)(5)]
- i. C001, C002 and C003 shall be operated and maintained according to their design specifications and in a manner consistent with good air pollution control practices for minimizing emissions. [Approval Nos. 1052 – 1053, 1255 and 1757(E)(3), 16.2]

j. Malfunctions

- (1) Malfunction means a sudden and unavoidable breakdown of process or control equipment. In case of malfunction of C001, C002 and/or C003, all reasonable measures shall be taken to assure resumption of the designed control efficiency as soon as possible. In the event that the malfunction of C001, C002 and/or C003 is expected or may reasonably be expected to continue for longer than 24 hours and if the permittee wishes to operate D001 and/or W001 beyond that period, the Director shall be petitioned for a variance under Section 23-23-15 of the General Laws of Rhode Island, as amended. Such petition shall include but is not limited to, the following: [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1), 16.3]
  - (a) Identification of the specific air pollution control system (i.e. C001, C002 or C003) and the source on which it is installed (ie. D001 or W001), [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1)(a), 16.3(a)]
  - (b) The expected period of time that control system will be malfunctioning or out of service, [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1)(b), 16.3(b)]
  - (c) The nature and quantity of air contaminants likely to be emitted during said period, [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1)(c), 16.3(c)]
  - (d) Measures that will be taken to minimize the length of said period, and [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1)(d), 16.3(d)]
  - (e) The reasons it would be impossible or impractical to cease the source operation during said period. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(1)(e), 16.3(e)]
- (2) The permittee may seek to establish that a malfunction of C001, C002 and/or C003 that would result in noncompliance with any terms of Section I.A. of this permit or any other applicable air pollution control rules and regulations was due to unavoidable increases in emissions attributable to the malfunction. To do so, the permittee must demonstrate to the Office of Air Resources that: [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)]

- (a) The malfunction was not attributable to improper design of C001, C002 and/or C003, lack of preventative maintenance, careless or improper operation, or operator error; [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(a)]
- (b) The malfunction was not part of a recurring pattern indicative of inadequate design, operation, or maintenance; [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(b)]
- (c) Repairs were performed in an expeditious fashion. Off-shift labor and overtime should be utilized, to the extent practicable, to ensure that such repairs were completed as expeditiously as practicable. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(c)]
- (d) All possible steps were taken to minimize emissions during the period of time that the repairs were performed. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(d)]
- (e) Emissions during the period of time that the repairs were performed will not: [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(e)]
  - (i) Cause an increase in the ground level ambient concentration at or beyond the property line in excess of that allowed by Air Pollution Control Regulation No. 22 and any Calculated Acceptable Ambient Levels; and [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(e)(1)]
  - (ii) Cause or contribute to air pollution in violation of any applicable state or national ambient air quality standard. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(e)(2)]
- (f) The reasons that it would be impossible or impractical to cease the source operation during said period. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(f)]
- (g) The permittee's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs or other relevant evidence. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)(g)]

This demonstration must be provided to the Office of Air Resources, in writing, within two working days of the time when the malfunction occurred and contain a description of the malfunction, any steps taken to minimize emissions and corrective actions taken.

The permittee shall have the burden of proof in seeking to establish that noncompliance was due to unavoidable increases in emissions attributable to the malfunction. [Approval Nos. 1052 – 1053, 1255 and 1757(F)(2)]

### 3. Testing Requirements

#### a. Opacity

Test for determining compliance with the opacity limitations specified in Condition I.A.1.k of this permit shall be performed as per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

### 4. Monitoring Requirements

- a. The permittee shall operate and maintain equipment to continuously monitor the operating temperature of C001 and the inlet temperature to C003. The equipment to continuously monitor the operating temperature of C001 must determine the rolling three-hour average of all recorded readings for each operating period. The temperature indicator and data logger must each have an accuracy of  $\pm 1$  percent of the temperature being monitored in degrees Celsius or  $\pm 1^{\circ}$ Celsius, whichever is greater. [Approval Nos. 1052 – 1053, 1255 and 1757(C)(1) and (3), Air Toxics Approval No. 1051/04(C)(1), 29.6.3(a), 40 CFR 64]
- b. The thermocouple used to monitor the operating temperature of C001 shall be located as close to the exit of C001 as possible. [Approval Nos. 1052 – 1053, 1255 and 1757(C)(2), 29.6.3(a), 40 CFR 64]
- c. Pressure drop across C003 shall be monitored continuously. [Approval Nos. 1052 – 1053, 1255 and 1757(C)(4), 29.6.3(a), 40 CFR 64]
- d. The permittee shall on a daily basis monitor the quantity of drums processed in D001. [Air Toxics Approval No. 1051/04(C)(2)] **Not Federally Enforceable**
- e. The sodium bicarbonate usage for C002 shall be measured daily. [29.6.3(a), 40 CFR 64]



- f. The permittee shall inspect C001, C002 and C003 weekly. [29.6.3(a), 40 CFR 64]
- g. The permittee shall sample and analyze the dust collected in C003 on a quarterly basis (once every 3 months). The sample shall be collected following the procedures in ASTM D346 or another procedure that has been approved by the Office of Air Resources. The dust sample shall be analyzed to determine the concentrations of the following hazardous air pollutants: antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, cobalt, lead, manganese, mercury, nickel and selenium. [29.6.3(b)]

## 5. Recordkeeping Requirements

- a. The permittee shall operate and maintain equipment to continuously record the operating temperature of C001 and the inlet temperature to C003. The equipment to continuously record the operating temperature of C001 must be calibrated and maintained according to the manufacturer's specifications. The calibration of the chart recorder, data logger or temperature indicator must be verified annually or the chart recorder, data logger or temperature indicator must be replaced. [Approval Nos. 1052 – 1053, 1255 and 1757(C)(1) and (3), Air Toxics Approval No. 1051/04 (C)(1), 29.6.3(a), 40 CFR 64]
- b. The permittee shall record on a daily basis the quantity of drums processed in D001. [Air Toxics Approval No. 1051/04(C)(2)] **Not Federally Enforceable]**
- c. Pressure drop across C003 shall be checked a minimum of once per shift and the date, time and measurement shall be recorded. [Approval Nos. 1052 – 1053, 1255 and 1757(D)(2), 29.6.3(a), 40 CFR 64]
- d. The permittee shall maintain daily records of sodium bicarbonate usage in C002. [Approval Nos. 1052 – 1053, 1255 and 1757(D)(4), 29.6.3(a), 40 CFR 64]
- e. The permittee shall, on a monthly basis, maintain records of the total amount of hours that D001 is operated in the previous month. [Air Toxics Approval No. 1051/04(D)(1), 29.6.3(b)]
- f. The permittee shall, on a monthly basis, no later than 10 days after the first of the month, determine the total quantity of hazardous air pollutants emitted from D001 for the previous 12 months. The total quantity of hazardous air pollutants emitted from D001 shall be determined as follows:

- (1) To determine the quantity of antimony, arsenic, beryllium, cadmium, chromium III, chromium VI, cobalt, lead, manganese, mercury, nickel and selenium emitted in the previous month, the permittee shall use the quarterly dust sampling results for condition I.A.4.g, the average hourly particulate emission rate measured during the most recent performance test and the total hours of operation for D001 to calculate the quantity of each pollutant emitted using the following equation:

$$E_m = C_w \times P \times H$$

where:

- $E_m$  = Monthly emissions of a specific pollutant (lbs/month)
- $C_w$  = Concentration (by weight) of the specific pollutant from the monthly dust sampling results.
- $P$  = Average hourly particulate emission rate measured during the most recent performance test (lbs/hr)
- $H$  = Hours of operation for D001 for the month (hours)

- (a) To determine the quantity of hydrogen chloride emitted in the previous month, the permittee shall use the allowable emission rate (1.3 lb/hr) and the total of the total hours of operation for D001 for the month.

The permittee shall keep records of this determination and provide such records to the Office of Air Resources upon request. [Air Toxics Approval No. 1051/04(D)(2), 29.6.3(b)]

- g. The permittee shall maintain records of the weekly inspections and required maintenance of C001, C002 and C003. [29.6.3(a), 40 CFR 64]
- h. The permittee shall maintain records of the quarterly dust sampling results. [29.6.3(b)]
- i. The permittee shall maintain a record of all periods when the furnace conveyor becomes jammed and the operating temperature of C001 drops to less than 1450° F. The permittee must record the date, the time D001 becomes jammed and the time the furnace conveyor resumed operation. [Approval Nos. 1052 – 1053, 1255 and 1757(D)(5)]

## 6. Reporting Requirements

- a. The permittee shall notify the Office of Air Resources in writing, of any anticipated noncompliance with Section I.A. of this permit or any other applicable air pollution control rules and regulations. [Approval Nos. 1052 – 1053, 1255 and 1757(D)(3)]
- b. The permittee shall submit the annual arsenic, cadmium, chromium(VI), lead, manganese and nickel emission estimates as part of its annual air pollution inventory report. [Air Toxics Approval No. 1051/04(E)(2)] **Not Federally Enforceable**
- c. The permittee shall notify the Office of Air Resources whenever the operating temperature of C001 is less than 1450°F (rolling three-hour average) [29.6.3(a), 40 CFR 64]
- d. The permittee shall notify the Office in writing, within 5 days, whenever the total quantity of HAP discharged to the atmosphere exceeds 6,000 pounds of any one (1) HAP or 16,000 pounds of any combination of HAPs in any consecutive 12 month period.[29.6.3(b)]
- e. The permittee shall notify the Office of Air Resources whenever the pressure drop across C003 is less than 1 inch H<sub>2</sub>O or exceeds 5 inches H<sub>2</sub>O. This notification shall be provided in the semi-annual monitoring report required by condition II.AA.2.[29.6.3(a), 40 CFR 64]
- f. The permittee shall notify the Office of Air Resources whenever the sodium bicarbonate usage in C002 is equal to or less than 80 pounds per eight hour shift. This notification shall be provided in the semi-annual monitoring report required by condition II.AA.2[29.6.3(a), 40 CFR 64]
- g. The permittee shall notify the Office of Air Resources in writing, within 5 days, whenever the quantity of arsenic, cadmium, chromium (VI) or nickel emitted in the previous 12 months exceeds the applicable pound per year limitation for that pollutant in section I.A.1.[29.6.3(b)]

## 7. Other Requirements

- a. To the extent consistent with the requirements of Section I.A. of this permit and applicable federal and state laws, the facility shall be operated in accordance with representation of the facility in the preconstruction permit application [Approval Nos. 1052 – 1053, 1255 and 1757(E)(1)]
- b. The emission characteristics of all sources of pollutants from D001 shall be consistent with the parameters used in the air quality modeling to determine the increase in the ground level ambient concentration of those pollutants.

The Office of Air Resources, in its sole discretion, may reopen the Air Toxics Operating Permit if it determines that these emission characteristics have change significantly and that the Air Toxics Operating Permit must be revised to ensure compliance with Air Pollution Control Regulation No. 22. A summary of the emission characteristics of each source of pollutants is as follows:

The parameters used in the air quality modeling to determine the increase in the ground level ambient concentration were that emissions from D001 process are discharged through a stack with a height equal to 45 feet above grade, an exit diameter equal to 34 inches, a flow rate equal to 15, 900 scfm (maximum) and an exit temperature of approximately 300°F to 325°F. [Air Toxics Approval No. 1051/04(B)(13)] **Not Federally Enforceable**

**B. Requirements for Emission Units P001, P002, P003 and P004**

The following requirements are applicable to:

- Emission unit P001, which is a New England Container Co., Inc paint booth (16-filter pad Columbus Industries dry filter). P001 is associated with O003, which is a 2.0 MMBTU/hr drying oven, which burns natural gas.
- Emission unit P002, which is a New England Container Co., Inc paint booth (6-filter pad Columbus Industries dry filter). P002 is associated with O005, which is a 3.2 MMBTU/hr drying oven, which burns natural gas.
- Emission unit P003, which is a Graico paint booth (4-filter pad Columbus Industries dry filter). P003 is associated with O001, which is a 1.6 MMBTU/hr drying oven, which burns natural gas.
- Emission unit P004, which is a Keystone paint booth (4-filter pad Columbus Industries dry filter). P004 is associated with O002, which is a 1.6 MMBTU/hr drying oven, which burns natural gas.

**1. Emission Limitations**

- a. The VOC content of each coating used by the permittee, shall not exceed the following emissions limitations [19.3.1]:

<u>Type of Surface</u>	<u>Coating VOC Content (lbs. VOC/gal of coating minus water, as applied)</u>
Drum Interiors	4.3
All other coating on misc. metal parts	3.0

- b. Compliance with the emission limitation in Condition I.B.1.a shall be

achieved through coating reformulation, for all coatings used on P001 – P004. [19.3.2(b)]

c. Toluene

The emission rate of toluene shall not exceed 21.7 lbs/hr. [Air Toxics Approval No. 1051/04(B)(15)] **Not Federally Enforceable**

d. Xylene

The emission rate of xylene shall not exceed 9.7 lbs/hr. [Air Toxics Approval No. 1051/04(B)(16)] **Not Federally Enforceable**

e. Hazardous Air Pollutants

The total quantity of Hazardous Air Pollutant (HAP) emitted from P001/O003, P002/O005, P003/O001 and P004/O002 shall not exceed 12,000 pounds of any one (1) HAP or 32,000 pounds of any combination of HAPs in any consecutive 12 month period.

## 2. Operating Requirements

- a. Xylene and toluene shall be emitted only from the drum painting and drying operation, with the exception of de minimis emissions from emission unit D001. [Air Toxics Approval No. 1051/04(B)(14)] **Not Federally Enforceable**

## 3. Testing Requirements

- a. Compliance with the coating emissions limitations contained in Condition I.B.1.a of this permit shall be demonstrated in accordance with 40 CFR 60, Appendix A, Methods 24, 24A as amended or any other USEPA approved method which has been accepted by the Director. A one-hour bake time shall be used for Methods 24 and 24A, which apply to multi-component coatings. [19.7.1]

## 4. Recordkeeping Requirements

- a. The permittee shall collect, record and maintain all of the following information each month for each coating line or operation: [19.5.3(c), 29.6.3(b)]
- (1) The name and identification number of each coating, as applied, on each coating line or operation, [19.5.3(c)(1), 29.6.3(b)]
  - (2) The mass of VOCs per volume of each coating (excluding water), as

applied, used each month on each coating line or operation and, [19.5.3(c)(2), 29.6.3(b)]

- (3) The type and amount of solvent used for diluents and cleanup operations. [19.5.3(c)(3), 29.6.3(b)]
- b. The permittee shall keep and maintain records sufficient to determine actual HAP emissions from P001-P004 for the previous 12 months. Actual HAP emissions shall be determined on a monthly basis, no later than 30 days after the first of the month. All purchase orders, invoices and other documents to support the determination of actual HAP emissions shall be maintained and made available to the Office upon request. [29.6.3(b)]

## 5. Reporting Requirements

- a. The permittee shall notify the Director of any record showing use of any non-complying coatings by sending a copy of such record to the Director within 30 calendar days following that use. [19.5.3(d)(1)]
- b. The permittee, before changing the method of compliance from complying coatings to daily weighted averaging or control devices, shall submit a Compliance Certification Plan to the Office of Air Resources for review and approval. Such plan shall include: [19.5.2(a), 19.5.4(a)]
  - (1) The name and location of the facility; [19.5.2(a)(1), 19.5.4(a)(1)]
  - (2) The name, address, telephone number of the person responsible for the facility; [19.5.2(a)(2), 19.5.4(a)(2)]
  - (3) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.2(a)(4)]
  - (4) For daily-weighted averaging:
    - (a) The instrument or method by which the permittee will accurately measure or calculate the volume of each coating (excluding water), as applied, used each day on each emission unit; [19.5.2(a)(5)]
    - (b) The method by which the permittee will create and maintain records each day as required by Subsection 19.5.2(c) of APC Regulation No. 19; and [19.5.2(a)(6)]
    - (c) The time at which the facility's day begins if a time other than midnight local time is used to define a day. [19.5.2(a)(7)]

- (5) For control devices:
    - (a) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.4(a)(4)]
    - (b) The mass of VOC per volume coating solids applied and the gallons of solids of each coating applied; [19.5.4(a)(5)]
    - (c) Identification of each control device which will be or has been installed and date of installation; [19.5.4(a)(6)]
    - (d) Identification of coating lines which will be controlled by each control device and documentation of expected capture and destruction efficiency or reduction efficiency; [19.5.4(a)(7)]
    - (e) Control device design information; [19.5.4(a)(8)]
      - (i) For thermal incinerators-design combustion temperature (°F) [19.5.4(a)(8)(i)];
      - (ii) For catalytic incinerators - design exhaust gas temperature (°F), design temperature rise across catalyst bed (°F), anticipated frequency of catalyst change, and catalyst changes; [19.5.4(a)(8)(ii)]
      - (iii) For condensers - design inlet temperature of cooling medium (°F), design exhaust gas temperature (°F); [19.5.4(a)(8)(iii)]
      - (iv) For carbon adsorbers - design pressure drop across the adsorber, VOC concentration at breakthrough. [19.5.4(a)(8)(iv)]
  - (6) Information describing the effect of the change on the emissions of any air contaminant. [9.2.1]
  - (7) A demonstration that emissions from the stationary source will not cause an increase in the ground level ambient concentration at or beyond the property line in excess of that allowed by APC Regulation No. 22. [22.3.3(a)] **Not Federally Enforceable**
- c. The permittee shall submit the annual toluene and xylene emission estimates as part of its annual air pollution inventory report. [Air Toxics Approval No. 1051/04(E)(2)]

- d. The permittee shall notify the Office in writing, within 5 days, whenever the total quantity of HAP discharged to the atmosphere exceeds 12,000 pounds of any one (1) HAP or 32,000 pounds of any combination of HAPs in any consecutive 12 month period.

**C. Requirements for Emission Units O006**

The following requirements are applicable to:

Emission unit O006, which is a 1.60 MMBTU/hr New England Container Preheater, which burns natural gas. There are no specific requirements for O006. This does not relieve the permittee from compliance of the General Provisions, outlined in Section II of this permit, as they apply to O006.

**D. Requirements for Emission Units B001 – B003**

The following requirements are applicable to:

- Emission unit B001, which is a Wheelabrator Drum shot Blast Unit.
- Emission unit B002, which is a Wheelabrator Cover shot Blast Unit.
- Emission unit B003, which is a Wheelabrator Bung Shot Blast Unit.
- Emission units B001, B002 and B003 are associated with air pollution control device C009 which is a Wheelabrator, #46 Model 36" dust collector.

**1. Emission Limitations**

- a. Opacity

Visible emissions from C009 exhaust stack shall not exceed 10 percent opacity. [1.2, Approval No. 1366(A)(1)] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

**2. Operating Requirements**

- a. All emissions generated from B001, B002 and B003 shall be captured, contained and routed to C009 for treatment prior to discharge to the atmosphere. [Approval No. 1366(B)(1)]
- b. There shall be no bypassing of C009 during times when B001, B002 and B003 are operated. [Approval No. 1366(D)(2)]
- c. C009 shall be operated according to its design specifications whenever the source on which it is installed is in operation or is emitting air contaminants. [16.2]



- d. In case of malfunction of C009, all reasonable measures shall be taken to assure resumption of the designed control efficiency as soon as possible. In the event that the malfunction of C009 is expected or may reasonably be expected to continue for longer than 24 hours and if the permittee wishes to operate B001, B002 and/or B003 beyond that period, the Director shall be petitioned for a variance under Section 23-23-15 of the General Laws of Rhode Island, as amended. Such petition shall include but is not limited to, the following:
- (1) Identification of the specific air pollution control system (i.e. C009) and the source on which it is installed (i.e. B001, B002 or B003),
  - (2) The expected period of time that control system will be malfunctioning or out of service,
  - (3) The nature and quantity of air contaminants likely to be emitted during malfunction/down-time,
  - (4) Measures that will be taken to minimize the length of *said period*,
  - (5) The reasons it would be impossible or impractical to cease the source operation during said period. [16.3(a-e)]

### **3. Monitoring Requirements**

- a. The pressure drop across C009 shall be monitored continuously. [Approval No. 1366(B)(2), 29.6.3(b)]

### **4. Testing Requirements**

- a. Opacity

Test for determining compliance with opacity emissions limitations specified Condition I.D.1.a of this permit shall be performed as per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

### **5. Recordkeeping Requirements**

- a. The permittee shall record the pressure drop across C009 a minimum of once per day and the date, time and measurement shall be recorded. [Approval No. 1366(C)(1)]

### **6. Reporting Requirements**

- a. The permittee shall notify the Office of Air Resources in writing, of any anticipated noncompliance with section I.D. of this permit or any other applicable air pollution control rules and regulations. [Approval No. 1366(C)(3)]

## **7. Other Requirements**

- a. B001, B002 and B003 shall be operated consistent with the representation of the facility in the preconstruction permit applications. [Approval No. 1366(D)(1)]

## **E. Alternative Operating Scenario**

- Emission unit W001 is capable of operating independently. The following requirements are applicable in that situation:

### **1. Emission Limitations**

- a. Particulates

The permittee shall not cause or permit the emissions of particulate matter in excess of 0.1 pounds per million BTU actual heat input. [13.2.1]

- b. Opacity

The permittee shall not emit into the atmosphere, any air contaminant, for a period or periods aggregating more than three minutes in any one hour, which is greater than or equal to 20 percent opacity. [1.2] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]

### **2. Testing Requirements**

- a. Particulates

Compliance with the particulate emissions limitations contained in Condition I.E.1.a of this permit, shall be determined by emission testing conducted by the permittee according to Method 5 of 40 CFR 60, Appendix A, or another method approved by the Office of Air Resources and the USEPA, shall be used. [13.3.1]

The requirements of particulate emissions testing may be waived if the Director and the USEPA:

- (1) Specifies or approves, in a specific case, the use of a reference

method with minor changes in methodology; or

- (2) Approves the use of an equivalent or alternative method the results of which he has determined to be adequate for indicating whether the permittee is in compliance; or
- (3) Finds that the permittee has demonstrated by other means to the Director's and the USEPA's satisfaction that the source is in compliance with the relevant emissions standards. [13.3.3]

In the absence of data from particulate emissions testing, the Director and the USEPA may determine that an emissions unit is or is not in compliance with the emissions limitation of Condition I.E.1.a of this permit based on available information including, but not limited to, type of fuel burned, design of unit, efficiency of air pollution control systems, operating and maintenance procedures, and emission test results on similar units. [13.3.2]

b. Opacity

Test for determining compliance with the opacity emissions limitations specified in Condition I.E.1.b of this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

**3. Recordkeeping Requirements**

- a. The permittee shall, contemporaneously when making a change from one operating scenario to another, record in a log at the facility a record of the scenario under which it is operating. [29.6.7]

**F. Requirements for Emission Unit P007**

The following requirements are applicable to:

- Emission unit P007, which is a New England Container Co., Inc Ring Dip Painting dipping processes.

**1. Emission Limitations**

- a. The VOC content of each coating used on P007 shall not exceed 3.0 lbs VOC/gallon of coating minus water as applied. [19.3.1]
- b. Compliance with the emission limitation in Condition I.F.1.a shall be met for all coatings used on P007. [19.3.2(b)]

## 2. Testing Requirements

- a. Compliance with the emission limitations contained in Condition I.F.1.a of this permit shall be demonstrated in accordance with 40 CFR 60, Appendix A, Methods 24, 24A as amended or any other USEPA approved method which has been accepted by the Director. A one hour bake time shall be used for Methods 24 and 24A, which apply to multi-component coatings. [19.7.1]

## 3. Recordkeeping Requirements

- a. The permittee shall collect, record and maintain the following information each month for of the emission unit P007: [19.5.3(c), 29.6.3(b)]
  - (1) The name and identification number of each coating, as applied, on emission unit P007; [19.5.3(c)(1), 29.6.3(b)]
  - (2) The mass of VOC per volume of each coating (excluding water), as applied, used each month on emission unit P007; [19.5.3(c)(2), 29.6.3(b)]
  - (3) The type and amount of solvent used for diluents and cleanup operations. [19.5.3(c)(3), 29.6.3(b)]

## 4. Reporting Requirements

- a. The permittee shall notify the Director of any record showing use of any non-complying coatings by sending a copy of such record to the Director within 30 calendar days following that use. [19.5.3(d)(1)]
- b. The permittee, before changing the method of compliance from complying coatings to daily weighted averaging or control devices, shall submit a Compliance Certification Plan to the Office of Air Resources for review and approval. Such plan shall include: [19.5.2(a), 19.5.4(a)]
  - (1) The name and location of the facility; [19.5.2(a)(1), 19.5.4(a)(1)]
  - (2) The name, address, telephone number of the person responsible for the facility; [19.5.2(a)(2), 19.5.4(a)(2)]
  - (3) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.2(a)(4), 19.5.4(a)(4)]
  - (4) For daily-weighted averaging:

- (a) The instrument or method by which the permittee will accurately measure or calculate the volume of each coating (excluding water), as applied, used each day on each emission unit; [19.5.2(a)(5)]
  - (b) The method by which the permittee will create and maintain records each day as required by Subsection 19.5.2(c) of APC Regulation No. 19; and [19.5.2(a)(6)]
  - (c) The time at which the facility's day begins if a time other than midnight local time is used to define a day. [19.5.2(a)(7)]
- (5) For control devices:
- (a) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.4(a)(4)]
  - (b) The mass of VOC per volume coating solids applied and the gallons of solids of each coating applied; [19.5.4(a)(5)]
  - (c) Identification of each control device which will be or has been installed and date of installation; [19.5.4(a)(6)]
  - (d) Identification of coating lines which will be controlled by each control device and documentation of expected capture and destruction efficiency or reduction efficiency; [19.5.4(a)(7)]
  - (e) Control device design information; [19.5.4(a)(8)]
    - (i) For thermal incinerators-design combustion temperature (°F) [19.5.4(a)(8)(i)];
    - (ii) For catalytic incinerators - design exhaust gas temperature (°F), design temperature rise across catalyst bed (°F), anticipated frequency of catalyst change, and catalyst changes; [19.5.4(a)(8)(ii)]
    - (iii) For condensers - design inlet temperature of cooling medium (°F), design exhaust gas temperature (°F); [19.5.4(a)(8)(iii)]
    - (iv) For carbon adsorbers - design pressure drop across the adsorber, VOC concentration at breakthrough. [19.5.4(a)(8)(iv)]

- (6) Information describing the effect of the change on the emissions of any air contaminant. [9.2.1]
- (7) A demonstration that emissions from the stationary source will not cause an increase in the ground level ambient concentration at or beyond the property line in excess of that allowed by APC Regulation No. 22. [22.3.3(a)] **Not Federally Enforceable**

**G. Requirements for Emission Unit P008**

The following requirements are applicable to:

- Emission unit P008, which is a New England Container Co., Inc., Adhesive process for lip of metal drum.

**1. Emission Limitations**

- a. The VOC content of each coating used on P008 shall not exceed 3.5 lbs VOC/gallon of coating minus water as applied. [19.3.1]
- b. Compliance with the emission limitation in Condition I.G.1.a shall be met for all coatings used on P008. [19.3.2(b)]

**2. Testing Requirements**

- a. Compliance with the emission limitations contained in Condition I.G.1.a of this permit shall be demonstrated in accordance with 40 CFR 60, Appendix A, Methods 24, 24A as amended or any other USEPA approved method which has been accepted by the Director. A one hour bake time shall be used for Methods 24 and 24A, which apply to multi-component coatings. [19.7.1]

**3. Recordkeeping Requirements**

- a. The permittee shall collect, record and maintain the following information each month for of the emission unit P008: [19.5.3(c), 29.6.3(b)]
  - (1) The name and identification number of each coating, as applied, on emission unit P008; [19.5.3(c)(1), 29.6.3(b)]
  - (2) The mass of VOC per volume of each coating (excluding water), as applied, used each month on emission unit P008; [19.5.3(c)(2), 29.6.3(b)]

- (3) The type and amount of solvent used for diluents and cleanup operations. [19.5.3(c)(3), 29.6.3(b)]

#### **4. Reporting Requirements**

- a. The permittee shall notify the Director of any record showing use of any non-complying coatings by sending a copy of such record to the Director within 30 calendar days following that use. [19.5.3(d)(1)]
- b. The permittee, before changing the method of compliance from complying coatings to daily weighted averaging or control devices, shall submit a Compliance Certification Plan to the Office of Air Resources for review and approval. Such plan shall include: [19.5.2(a), 19.5.4(a)]
  - (1) The name and location of the facility; [19.5.2(a)(1), 19.5.4(a)(1)]
  - (2) The name, address, telephone number of the person responsible for the facility; [19.5.2(a)(2), 19.5.4(a)(2)]
  - (3) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.2(a)(4), 19.5.4(a)(4)]
  - (4) For daily-weighted averaging:
    - (a) The instrument or method by which the permittee will accurately measure or calculate the volume of each coating (excluding water), as applied, used each day on each emission unit; [19.5.2(a)(5)]
    - (b) The method by which the permittee will create and maintain records each day as required by Subsection 19.5.2(c) of APC Regulation No. 19; and [19.5.2(a)(6)]
    - (c) The time at which the facility's day begins if a time other than midnight local time is used to define a day. [19.5.2(a)(7)]
  - (5) For control devices:
    - (a) The name and identification number of each coating, as applied, on each coating line or operation; [19.5.4(a)(4)]
    - (b) The mass of VOC per volume coating solids applied and the gallons of solids of each coating applied; [19.5.4(a)(5)]

- (c) Identification of each control device which will be or has been installed and date of installation; [19.5.4(a)(6)]
- (d) Identification of coating lines which will be controlled by each control device and documentation of expected capture and destruction efficiency or reduction efficiency; [19.5.4(a)(7)]
- (e) Control device design information; [19.5.4(a)(8)]
  - (i) For thermal incinerators-design combustion temperature (°F) [19.5.4(a)(8)(i)];
  - (ii) For catalytic incinerators - design exhaust gas temperature (°F), design temperature rise across catalyst bed (°F), anticipated frequency of catalyst change, and catalyst changes; [19.5.4(a)(8)(ii)]
  - (iii) For condensers - design inlet temperature of cooling medium (°F), design exhaust gas temperature (°F); [19.5.4(a)(8)(iii)]
  - (iv) For carbon adsorbers - design pressure drop across the adsorber, VOC concentration at breakthrough. [19.5.4(a)(8)(iv)]
- (6) Information describing the effect of the change on the emissions of any air contaminant. [9.2.1]
- (7) A demonstration that emissions from the stationary source will not cause an increase in the ground level ambient concentration at or beyond the property line in excess of that allowed by APC Regulation No. 22. [22.3.3(a)] **Not Federally Enforceable**

## **H. Facility Requirements**

### **1. Emissions Limitations**

- a. The total quantity of Hazardous Air Pollutant (HAP) emitted from the entire facility shall not exceed 18,000 pounds of any one (1) HAP or 48,000 pounds of any combination of HAPs in any consecutive 12 month period.

### **2. Recordkeeping Requirements**

- a. The permittee shall keep and maintain records sufficient to determine actual HAP emissions for the entire facility for the previous 12 months. Actual



HAP emissions shall be determined on a monthly basis, no later than 30 days after the first of the month. All purchase orders, invoices and other documents to support the determination of actual HAP emissions shall be maintained and made available to the Office upon request. [29.6.3(b)]

### **3. Reporting Requirements**

- a. The permittee shall notify the Office in writing, within 5 days, whenever the total quantity of HAP discharged to the atmosphere exceeds 18,000 pounds of any one (1) HAP or 48,000 pounds of any combination of HAPs in any consecutive 12 month period.
- b. The permittee shall provide written notification to the Office of Air Resources prior to using any fuel other than natural gas in any fuel burning device at the facility. Such notification shall include:
  - Information describing the new fuel that will be used.
  - Information describing the fuel burning devices that will use the new fuel.
  - Information describing the procedures and methods that will be used to monitor the sulfur content of the new fuel.
  - Information identifying any new applicable requirements that will apply if the new fuel is used.

Use of any fuel other than natural gas shall be consistent with the applicable regulations and have prior approval of the Director.

## SECTION II. GENERAL CONDITIONS

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**A. Annual Emissions Fee Payment**

The permittee shall pay an annual emissions fee as established in Air Pollution Control Regulation No. 28 "Operating Permit Fees". [29.6.8(d)]

**B. Permit Renewal and Expiration**

This permit is issued for a fixed term of 5 years. The permittee's right to operate this source terminates with the expiration of this permit unless a timely and complete renewal application is submitted at least 12 months prior to the date of permit expiration. Upon receipt of a complete and timely application for renewal, this source may continue to operate subject to final action by the Office of Air Resources on the renewal application. In such event, the permit shield in Condition II.Z of this permit shall extend beyond the original permit term until renewal. This protection shall cease to apply if, subsequent to a completeness determination, the applicant fails to submit by the deadline specified in writing by the Office of Air Resources any additional information identified as being needed to process the application. The application for renewal shall include the current permit number, description of permit revisions and off-permit changes that occurred during the permit term, and any applicable requirements that were promulgated and not incorporated into the permit during the permit term. [29.6.8(a), 29.4.2(c), 29.4.6]

**C. Transfer of Ownership or Operation**

This permit is nontransferable by the permittee. Future owners and operators must obtain a new operating permit from the Office of Air Resources. A change in ownership or operational control of this source is treated as an administrative permit amendment if no other change in this permit is necessary and provided that a written agreement containing a specific date for transfer of permit responsibility, coverage, and liability between the current and new permittee has been submitted to the Office of Air Resources. [29.10.1(a)(4)]

**D. Property Rights**

This permit does not convey any property rights of any sort, or any exclusive privilege. [29.6.8(c)(4)]

**E. Submissions**

1. Reports, test data, monitoring data, notifications, and requests for renewal shall be submitted to:

RIDEM - Office Air Resources  
Compliance Assurance Section  
235 Promenade St. Room 230  
Providence, RI 02908

2. Any records, compliance certifications and monitoring data required by the provisions of this permit to be submitted to USEPA shall be sent to:

USEPA Region I  
Office of Environmental Stewardship  
Director, Air Compliance Program  
Attn: Air Compliance Clerk  
5 Post Office Square, Suite 100  
Boston, MA -02109-3912

3. Any document submitted shall be certified as being true, accurate, and complete by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [29.6.8(e)]

**F. Inspection and Entry**

1. Employees of the Office of Air Resources and its authorized representatives shall be allowed to enter this facility at all reasonable times for the purpose of:
  - a. having access to and copying at reasonable times any records that must be kept under the conditions of this permit; [29.6.7]
  - b. inspecting at reasonable times any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under this permit; and
  - c. sampling or monitoring, at reasonable times, substances or parameters for the purpose of assuring compliance with this permit or other applicable requirements.[RIGL 23-23-5(7), 29.6.8(f)(1-4), Approval Nos. 1052 – 1053, 1255 and 1757(E)(2), Approval No.1366(D)(3)]

Nothing in this condition shall limit the ability of USEPA to inspect or enter the premises of the permittee under Section 114 or other provisions of the Clean Air Act.

**G. Compliance**

1. The permittee must comply with all conditions of this permit. Any noncompliance with a federally enforceable permit condition constitutes a violation of the Clean Air Act and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. Any noncompliance with a permit condition designated as state only enforceable constitutes a violation of state rules only and is grounds for enforcement action, for permit termination, revocation and reissuance or modification, or for denial of a permit renewal application. [29.6.8(c)(1)]
2. For each unit at the facility for which an applicable requirement becomes effective during the permit term, the permittee shall meet such requirements on a timely basis unless a more detailed schedule is expressly required by the applicable requirement. [29.6.5(a)]
3. It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit. [29.6.8(c)(2)]

#### **H. Excess Emissions Due to an Emergency**

As the term is used in this condition an "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of this source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes this source to exceed a technology-based emission limitation under this permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error. [29.6.11(b)]

Technology-based emission limits are those established on the basis of emission reductions achievable with various control measures or process changes (e.g., a new source performance standard) rather than those established to attain a health based air quality standard.

The permittee may seek to establish that noncompliance with a technology-based emission limitation under this permit was due to an emergency. To do so, the permittee shall demonstrate the affirmative defense of emergency through properly signed, contemporaneous operating logs, or other relevant evidence that: [29.6.11(a) & 29.6.11(c)]

1. an emergency occurred and that the permittee can identify the cause(s) of the emergency; [29.6.11(c)(1)]
2. the permitted facility was at the time being properly operated; [29.6.11(c)(2)]
3. during the period of the emergency, the permittee took all reasonable steps to

minimize levels of emissions that exceeded the emissions standards, or other requirements in this permit; and [29.6.11(c)(3)]

4. the permittee submitted notice of the emergency to the Office of Air Resources within 2 working days of the time when emission limitations were exceeded due to the emergency. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken. This notice fulfills the requirements of Condition II.BB.3 of this permit. [29.6.11(c)(4)]

The permittee shall have the burden of proof in seeking to establish the occurrence of an emergency. [29.6.11(d)]

**I. Duty to Provide Information**

The permittee shall furnish to the Office of Air Resources, within a reasonable time, any pertinent information that the Office of Air Resources may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the permittee shall also furnish to the Office of Air Resources copies of records that the permittee is required to keep by this permit, or for information claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality. [29.6.8(c)(5)]

**J. Duty to Supplement**

The permittee, upon becoming aware that any relevant facts were omitted or incorrect information was submitted in the permit application, shall promptly submit such supplementary facts or corrected information to the Office of Air Resources. The permittee shall also provide additional information as necessary to address any requirements that become applicable to the source after the date a complete renewal application was submitted but prior to release of a draft permit. [29.5.4]

**K. Reopening for Cause**

The Office of Air Resources will reopen and revise this permit as necessary to remedy deficiencies in the following circumstances:

1. Additional requirements under the Clean Air Act become applicable to a major source 3 or more years prior to the expiration date of this permit. Such a reopening shall be completed no 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 expiration date of this permit, unless this permit or any of its terms and conditions has been extended. [29.6.13(a)]

2. The Office of Air Resources or the Administrator determines that this permit contains a material mistake or inaccurate statements were made in establishing the emissions standards or other terms or conditions of this permit. [29.6.13(c)]
3. The Office of Air Resources or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements. [29.6.13(d)]

Reopenings shall not be initiated before a notice of intent to reopen is provided to the permittee by the Office of Air Resources at least 30 days in advance of the date that this permit is to be reopened, except that the Office of Air Resources may provide a shorter time period (but not less than 5 days) in the case of an emergency. [29.9.5(b)]

Proceedings to reopen and issue this permit shall follow the same procedures as apply to initial permit issuance and shall affect only those parts of this permit for which cause to reopen exists. Such reopening shall be made as expeditiously as practicable. [29.9.5(a)]

All permit conditions remain in effect until such time as the Office of Air Resources takes final action. 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. [§70.6(a)(6)(iii)]

**L. Severability Clause**

The provisions of this permit are severable, and if any provision of this permit, or the application of any provision of this permit to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this permit, shall not be affected thereby. [29.6.8(b)]

**M. Off-Permit Changes**

1. The permittee is allowed to make certain changes that are not addressed or prohibited by this permit without a permit revision, provided that the following conditions are met: [29.11.2(a)]
  - a. Each such change shall not violate any term or condition of this permit. [29.11.2(b)]
  - b. Each change shall comply with all applicable requirements. [29.11.2(b)]
  - c. Changes under this provision may not include changes or activities subject to any requirement under Title IV or modifications under any provision of Title I of the Clean Air Act. [29.11.2(a)]

- d. Before the permit change is made, the permittee must provide contemporaneous written notice to the Office of Air Resources and the USEPA Region I, except for changes that qualify as insignificant activities in Appendix A of APC Regulation No. 29. This notice shall describe each change, including the date, and change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change. [29.11.2(c)]
  - e. The permit shield does not apply to changes made under this provision. [29.11.2(d)]
  - f. The permittee shall keep a record describing changes made at the stationary source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under this permit, and the emissions resulting from those changes, including any other data necessary to show compliance with applicable ambient air quality standards. The record shall reside at the permittee's facility. [29.11.2(e)]
2. Changes made pursuant to this provision shall not be exempt from the requirement to obtain a minor source permit pursuant to the requirements of Air Pollution Control Regulation No. 9, if applicable. [29.11.2(a)]
  3. Changes made pursuant to this provision shall be incorporated into this permit at the time of renewal. [29.11.2(f)]

**N. Section 502(b)(10) Changes**

1. The permittee is allowed to make changes within this permitted facility that contravene the specific terms of this permit without applying for a permit revision, provided the changes do not exceed the emissions allowable under this permit, whether expressed therein as a rate of emissions or in terms of total emissions and are not Title I modifications. This class of changes does not include:
  - a. changes that would violate applicable requirements; or
  - b. changes to federally-enforceable permit terms or conditions that are monitoring (including test methods), recordkeeping, reporting, or compliance certification requirements. [29.11.1(a), 29.1.36]
2. The permittee shall provide written notice to the Office of Air Resources and the USEPA Region I any change made under this provision. The notice must be received by the Office of Air Resources no later than fourteen (14) days in advance of the proposed changes. The notice shall include information describing the nature of the change, the effect of the change on the emission of any air contaminant, the scheduled completion date of the planned change and identify any permit terms or conditions that are no longer applicable as a result of the change. The permittee shall

attach each notice to its copy of this permit. [29.11.1(a)(1), 29.11.1(a)(2), Approval Nos. 1052 – 1053, 1255 and 1757(E)(7), Approval No. 1366(C)(4), Air Toxics Approval No. 1051/04(E)(1)]

3. The permittee shall be allowed to make such change proposed in its notice the day following the last day of the advance notice described in paragraph 2 if the Office of Air Resources has not responded nor objected to the proposed change on or before that day. [29.11.1(b)]
4. Any permit shield provided in this permit does not apply to changes made under this provision. If subsequent changes cause the permittee's operations and emissions to revert to those anticipated in this permit, the permittee resumes compliance with the terms and conditions of the permit, and has provided the Office of Air Resources and USEPA with a minimum of fourteen (14) days advance notice of such changes in accordance with the provisions of paragraph 2, the permit shield shall be reinstated in accordance with terms and conditions stated in this permit. [29.11.1(c)]
5. Changes made pursuant to this provision shall be incorporated into the operating permit at the time of renewal. [29.11.1(d)]

**O. Emissions Trading**

No permit revision shall be required under any approved economic incentives, marketable permits, emissions trading, and other similar programs or processes for changes that are provided for in the permit. [29.6.6(a)]

**P. Emission of Air Contaminants Detrimental to Person or Property**

The permittee shall not emit any air contaminant which either alone or in connection with other emissions, by reason of their concentration or duration, may be injurious to human, plant or animal life, or cause damage to property or which unreasonably interferes with the enjoyment of life or property. [7.2]

**Q. Odors**

1. The permittee shall not emit or cause to be emitted into the atmosphere any air contaminant or combination of air contaminants which creates an objectionable odor beyond the property line of this facility. [17.2]
2. A staff member of the Office of Air Resources shall determine by personal observation if an odor is objectionable, taking into account its nature, concentration, location, duration and source. [17.3]



**R. Visible Emissions**

1. Except as may be specified in other provisions of this permit, the permittee shall not emit into the atmosphere, from any emission unit, any air contaminant, for a period or periods aggregating more than three minutes in any one hour, which is greater than or equal to 20 percent opacity. [1.2] Where the presence of uncombined water is the only reason for failure to meet this requirement, such failure shall not be a violation of this permit. [1.4]
2. Tests for determining compliance with the opacity limitations specified in this permit shall be performed per 40 CFR 60, Appendix A, Method 9. Additionally, all observers must qualify as per 40 CFR 60, Appendix A, Method 9. [1.3.1, 1.3.2]

**S. Open Fires**

It shall be unlawful for the permittee to burn any material in an open fire, except as provided in APC Regulation No. 4, Section 4.3. [4.2]

**T. Construction Permits**

It shall be unlawful for the permittee to construct, install, modify or cause the construction, installation or modification of any stationary source subject to the provisions of APC Regulation No. 9 without obtaining either a minor source permit or a major source permit from the Director. [9.2.1]

**U. Air Pollution Episodes**

Conditions justifying the proclamation of an air pollution alert, air pollution warning or air pollution emergency shall be deemed to exist whenever the Director determines that the accumulation of air pollutants in any place is attaining or has attained levels which could, if such levels are sustained or exceeded, lead to a substantial threat to the health of persons. If the governor declares an air pollution alert, air pollution warning or air pollution emergency, the permittee shall comply with the applicable requirements contained in APC Regulation No. 10. [10.1]

**V. Fugitive Dust**

The permittee shall not cause or permit any materials, including but not limited to sand, gravel, soil, aggregate and any other organic or inorganic solid matter capable of releasing dust, to be handled, transported, mined, quarried, stored or otherwise utilized in any way so as to cause airborne particulate matter to travel beyond the property line of the facility without taking adequate precautions to prevent particulate matter from becoming airborne. Such precaution shall be in accordance with good industrial practice as determined by the Director and/or shall be other reasonable fugitive dust prevention measures as determined by the Director. [5.3]

**W. Adhesives and Sealants**

Except as provided in subsections 44.2.2-44.2.4 of Air Pollution Control Regulation No. 44, the permittee shall comply with all applicable provisions of Air Pollution Control Regulation No. 44 if the permittee sells, offers for sale supplies or manufactures any adhesive, sealant, adhesive primer or sealant primer for use within the State of Rhode Island or uses or solicits the use of any adhesive, sealant, adhesive primer or sealant primer within the State of Rhode Island. [44.2.1]

**X. Architectural and Industrial Maintenance Coatings**

Except as provided in subsection 33.2.2 of Air Pollution Control Regulation No. 33, the permittee shall comply with all applicable provisions of Air Pollution Control Regulation No. 33 if the permittee sells, offers for sale, or supplies or manufactures an architectural coating for use within the State of Rhode Island or applies an architectural coating for compensation, or solicits the application of any architectural coating within the State of Rhode Island. [33.2.1]

**Y. Compliance Certifications**

1. The permittee shall submit a certification of compliance with permit terms and conditions annually. [29.6.5(c)(1)]
2. The certification shall describe the following:
  - a. the permit term or condition that is the basis of the certification; [29.6.5(c)(3)a]
  - b. the current compliance status; [29.6.5(c)(3)b]
  - c. whether compliance was continuous or intermittent; *and* [29.6.5(c)(3)c]
  - d. the methods used for determining compliance, currently and over the reporting period. [29.6.5(c)(3)d]
3. All compliance certifications shall be submitted to the Office of Air Resources and to the USEPA Region I. They shall be submitted within 60 days following the end of the reporting period which is the calendar year unless otherwise specified. [29.6.5(c)(4)]
4. All compliance certifications shall be certified as being true, accurate, and complete by a responsible official. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the certification are true, accurate, and complete. [29.6.8(e)]

**Z. Permit Shield**

1. Compliance with the terms and conditions of this permit shall be deemed compliance with all requirements applicable to the source in: Approval Nos. 1052, 1053, 1255, 1366, 1757 Air Toxics Approval Nos. 1051/04 , 40 CFR 64, and RI APC Regulations Nos. 1, 4, 5, 7, 9, 10, 13, 14, 16, 17, 19, 22, 28, 29, 33 and 44. [29.6.12(a)(1)]
2. The Office of Air Resources has determined that units D001, W001, P001 – P004, P007, P008, O006, B001- B003 are not subject to the following regulations; RI APC Control Regulation Nos. 3, 6, 8, 11, 12, 15, 20, 21, 23, 24, 25, 26, 27, 30, 31, 32, 35, 36, 39, 43, and 45. [29.6.12(a)(2)]
3. Nothing in this permit shall alter or affect the following:
  - a. the provisions of Section 303 of the Clean Air Act, including the authority of the USEPA under that Section. [29.6.12(c)(1)]
  - b. the liability of the permittee for any violation of applicable requirements prior to or at the time of permit issuance. [29.6.12(c)(2)]
  - c. the applicable requirements of the acid rain program consistent with Section 408 of the Clean Air Act. [29.6.12(c)(3)]
  - d. the ability of the USEPA to obtain information under Section 114 of the Act. [29.6.12(c)(4)]
4. If it is determined that this operating permit was issued based on inaccurate or incomplete information provided by the permittee, this permit shield shall be void as to the portions of this permit which are affected, directly or indirectly, by the inaccurate or incomplete information. [29.6.12(d)]

**AA. Recordkeeping**

1. The permittee shall, at the request of the Director, maintain records of and provide data on operational processes, fuel usage, raw materials, stack dimensions, exhaust gas flow rates and temperatures, emissions of air contaminants, steam or hot water generator capacities, types of equipment producing air contaminants and air pollution control systems or other data that may be necessary to determine if the facility is in compliance with air pollution control regulations. [14.2.1]
2. All records and supporting information required by this permit shall be maintained at the permittee's 455 George Washington Highway facility for a period of at least 5 years from the date of sample monitoring, measurement, report or application, and shall be made available to representatives of the Office of Air Resources and the USEPA upon request. Supporting information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring

instrumentation, and copies of all reports required by this permit. [14.2.1, 29.6.4(a)(2), Approval Nos. 1052 – 1053, 1255 and 1757(D)(8), Approval No. 1366(C)(5)]

3. The permittee shall keep records of required monitoring information that include the following:
  - a. The date, place and time of sampling or measurements; [29.6.4(a)(1)a]
  - b. The date(s) analyses were performed; [29.6.4(a)(1)b]
  - c. The company or entity that performed the analyses; [29.6.4(a)(1)c]
  - d. The analytical techniques or methods used; [29.6.4(a)(1)d]
  - e. The results of such analyses; and [29.6.4(a)(1)e]
  - f. The operating conditions as existing at the time of sampling or measurement. [29.6.4(a)(1)f]

**BB. Reporting**

1. The information recorded by the permittee pursuant to Condition II.AA.1 of this Section shall be summarized and reported at least annually to the Director. It shall be submitted by April 15th unless otherwise specified. [14.2.2, 19.6] Information submitted pursuant to this condition will be correlated with applicable emissions limitations and other applicable emissions information and will be available for public inspection. [14.2.3]
2. The permittee shall submit reports of any required monitoring for each semi annual period ending 30 June and 31 December of each calendar year. These reports shall be due to the Office of Air Resources no later than forty-five (45) days after the end of the reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by a responsible official consistent with Condition II.Y.4. [29.6.4(b)(1)]
3. Deviations from permit conditions, including those attributable to upset conditions as defined in this permit, shall be reported, in writing, within five (5) business days of the deviation, to the Office of Air Resources. Reports shall describe the probable cause of such deviations, and any corrective actions or preventive measures taken. Each report must be certified by a responsible official consistent with Condition II.Y.4. of this permit. [29.6.4(b)(2), Approval Nos. 1052 – 1053, 1255 and 1757(D)(7)]
4. The Office of Air Resources shall be notified in writing of any planned physical change or operational change to the emissions units and control devices identified in this permit. Such notification shall include information describing the nature of the

change, information describing the effect of the change on the emissions of air contaminants and the scheduled completion date of the planned change. Any change which may result in an increased emission rate of any air contaminant shall be subject to approval of the Office of Air Resources. [Approval Nos. 1052 – 1053, 1255 and 1757(D)(6), Approval No. 1366(C)(4), Air Toxics Approval No. 1051/04(E)(1)]

**CC. Credible Evidence**

For the purpose of submitting compliance certifications or establishing whether or not the permittee has violated or is in violation of any provision of this permit, the methods used in this permit shall be used as applicable. However, nothing in this permit shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether the permittee would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed. [40 CFR 51.212(c), 52.12(c), 52.33(a)]

**DD. Emission Statements**

1. The permittee shall submit annually an emission statement which includes information for both VOC and NO<sub>x</sub> if facility wide actual emissions are 25 tons per year of either pollutant. Emission statements shall be submitted to the Office of Air Resources on April 15<sup>th</sup> of each year unless otherwise specified. The permittee may apply to the Office of Air Resources to be allowed to discontinue submitting annual emission statements if actual emissions at the facility decrease to below 10 tons per year as a result of a permanent process change. [14.3.1]

The permittee shall submit this emission statement in a format approved by the Office of Air Resources. The emission statement shall contain the following information: [14.3.2]

- a. A certification that the information contained in the emission statement is accurate and complete to the best knowledge of the certifying individual.
- b. The full name, title, signature, date of signature, and telephone number of the certifying individual.
- c. Facility identification information, including the full name, physical location, mailing address, latitude, longitude, and four digit SIC code(s).
- d. Process data pertaining to each process emitting VOC and/or NO<sub>x</sub>, including:
  - (1) Annual and typical ozone season daily fuel use,
  - (2) Annual and typical ozone season daily process rate(s), and
  - (3) Process throughput while air pollution control equipment was not in operation.

- e. Operating data pertaining to each process emitting VOC and/or NO<sub>x</sub> during the reporting year, including:
  - (1) Percentage annual throughput,
  - (2) Average hours of operation per day during the reporting year and on a typical ozone season day,
  - (3) Average number of days of operation per week during the reporting year and during a typical ozone season week, and
  - (4) Weeks of operation during the reporting year and during the peak ozone season.
  
- f. Control equipment information, including:
  - (1) Specific primary and secondary control equipment for each process emitting VOC and/or NO<sub>x</sub>,
  - (2) Current overall control efficiency for each piece of control equipment (indicated by percent capture and percent destruction or removal), and
  - (3) Control equipment downtime during the reporting year and during the peak ozone season.
  
- g. Emissions information, including:
  - (1) Actual annual and typical ozone season daily emissions of VOC and NO<sub>x</sub> for each process. Emissions should be reported in tons per year and in pounds per day.
  - (2) A description of the emission calculation method and, if applicable, emission factor(s) used, and
  - (3) The calendar year for which emissions are reported.
  
- h. Any additional information required by the Director to document the facility's emission statements.

**EE. Miscellaneous Conditions**

- 1. This permit may be modified, revoked, reopened, 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 release the permittee from the conditions of this permit. [29.6.8(c)(3)]
  
- 2. Any application for a permit revision need only submit information related to the proposed change. [29.4.3(c)]
  
- 3. Terms not otherwise defined in this permit shall have the meaning given to such

terms in the referenced regulation.

4. Where more than one condition in this permit applies to an emission unit and/or the entire facility, the most stringent condition shall apply.

### SECTION III. SPECIAL CONDITIONS

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**A. Prevention of Accidental Releases**

This section contains air pollution control requirements that are applicable to this facility, and the United States Environmental Protection Agency enforces these requirements.

Your facility is subject to the requirements of the General Duty Clause, under 112(r)(1) of the CAA Amendments of 1990. This clause specifies that owners or operators of stationary sources producing, processing, handling or storing a chemical in any quantity listed in 40 CFR Part 68 or any other extremely hazardous substance have a general duty to identify hazards associated with these substances and to design, operate and maintain a safe facility, in order to prevent releases and to minimize the consequences of accidental releases which may occur.