

PROJECT NOTE**REGION 2 SITE ASSESSMENT TEAM 2****To:** Buckbee-Mears Site File**Date:** January 12, 2009**Page:** 1 of 1**W.O. No.:** 20405.012.013.0475.00**From:** Kelli Lucarino, Region 2 SAT 2**Subject:** File Review

In July, 2007, SAT 2 member Ryan Manderbach conducted a file review for the Buckbee-Mears facility. The attachments to this note are documents found in the file for the Buckbee-Mears facility.

Attachments

- City of Cortland Fire Department, International Electron Devices Property, July 27, 2006.
- NYSDEC. Former Buckbee-Mears, July 31, 2006.
- NYSDEC. International Electron Devices Inspection, July 31, 2006.
- NYSDEC. Former Buckbee-Mears, August 1, 2006.
- NYSDEC. Notice of Violation of Environmental Conservation Law, October 4, 2006.
- USEPA. Pollution Report, February 6, 2007.
- NYSDEC. International Electron Devices (USA), LLC RCRA Case #: CO 7-20070223-11, February 26, 2007.
- USEPA. Buckbee-Mears Co. Superfund Site, 30 Kellogg Road, Cortland, New York Notice of Potential Liability, Demand for Costs, and Request for Information, March 2, 2007.
- USEPA. Pollution Report, May 1, 2007.
- USEPA. Pollution Report, May 8, 2007.

Signature



Kelli Lucarino



City of Cortland
Fire Department
21 COURT STREET
CORTLAND, NEW YORK 13045

Dennis M. Baron
CHIEF OF DEPARTMENT
FIRE CHIEF

(607) 756-5613 — OFFICE
(607) 756-5612 — 24/HR.
(607) 758-8385 — FAX

July 27, 2006

RE: International Electron Devices Property
Tax Parcel I. D. # 87.78-01-1.000
30 Kellogg Road
Cortland, NY, 13045

To Whom It May Concern:

This letter is written to express the concerns of the Cortland Fire Department regarding the facility in general and specifically the on-site storage of chemicals at the above referenced location.

It is our understanding that the facility is no longer under supervision by the company or any employees. We further have been advised that the facility has been found in an unsecured state. This situation leaves the department without contacts for accessibility to the facility for purpose of inspection, preplanning of potential hazards and access in the event of emergency.

The city has been provided with a list of chemicals presently stored at the facility. In light of the lack of supervision and security of the site and the lack of utilities (gas, electric, and water) the potential for an accident is substantial. The lack of utilities leaves the building without fire alarm protection, fire sprinkler protection and climate control required for the storage of the chemicals. Attached is a memo drafted by Capt. Verfuss that outlines potential chemical reaction in the event of spill and/or fire.

Please feel free to call this office should have question regarding this letter.

Sincerely,

Dennis M. Baron
Fire Chief

<http://www.cortland.org>

FIRE • RESCUE • CODE ENFORCEMENT



**City of Cortland
Fire Department**

21 Court Street
Cortland, NY 13045

Erik L. Verfuss
Fire Captain

(607) 758-8380
Fax (607) 758-8385

To: Assistant Chief Glover
From: Captain Verfuss 
Date: July 27, 2006
Re: Reactivity of Chemicals at 30 Kellogg Road

Chief –

Here are the chemical reactivity hazards for the chemicals that are stored at 30 Kellogg Road.

The first, worse-case scenario would involve a spill that involved a release of a quantity of all the chemicals. In that case the following reactivity hazards would exist:

- Explosive Mixture including Oxidizing Substances
- Heat generated from the reaction may initiate an explosion
- May cause fire
- Contact with a combustible material may cause fire
- Fire from exothermic reaction – ignition of products or reactants
- Combination liberates gaseous products – flammable
- Combination liberates gaseous products – both toxic and flammable, causing pressurization
- Heat generation by chemical reaction, causing pressurization
- Highly flammable

Also enclosed is a matrix that details the hazards of any one chemical reacting with just one of the others, and a chart of the special hazards related to each specific chemical.

This information is compiled from a variety of sources, including the material safety data sheets for each chemical, the NIOSH Guide to Chemical Hazards, and the NOAA Chemical Reactivity Sheet.

Also – there is very limited data for BMC2, as it appears that it may be a proprietary chemical.

If there is anything else, please let me know.

Special Hazards of Each Chemical

CHEMICAL	SPECIAL HAZARDS
SULFURIC ACID	Strong Oxidizing Agent Water Reactive
CHLORINE	Strong Oxidizing Agent Water Reactive
SODIUM HYDROXIDE	None
NITRIC ACID	Strong Oxidizing Agent Water Reactive Air Reactive
FERRIC CHLORIDE	None
SODIUM BISULFITE	Strong Reducing Agent
HYDROCHLORIC ACID	Air Reactive
AMMONIA	Air Reactive
BMC2	None

Daily Chemical Inventory Sheet

Start Date 6-10-05

LINES 1,2 &3	FRIDAY Time <u>7:30Am</u>	SATURDAY Time _____	SUNDAY Time _____
#54 SULFURIC	4857		
NITROGEN (OUTSIDE)	40"		
CHLORINE BOTTLES			
<i>make masses</i> HOOKED	1		
EMPTY	1		
<i>100# 3x15</i> FULL	5		
#46 NITRIC ACID	5390		
#44 SODIUM HYDROXIDE (caustic)	5456		
#42 FERRIC	6178		
#38A SODIUM BISULFITE	1267		
#36 FERRIC	6374		
#58 HYDROCHLORIC	2110		
#59 HYDROCHLORIC	2112		
LINES 4 & 5			
#100 HYDROCHLORIC	165.2		
#101 BMC 2	2040		
#102 SODIUM HYDROXIDE	0		
#103 FERRIC	1181		
#104 FERRIC	962.8		
#105 INVAR FERRIC	 		
AMMONIA	80%	9-1500 gal TANK	

* Haz. waste (go down window)
 * Other Hazardous Forward to Elaine Sears on Monday Morning

New York State Department of Environmental Conservation
Division of Environmental Remediation, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • **FAX:** (518) 402-9595
Website: www.dec.state.ny.us



July 31, 2006

Mr. George Pavlou, Director
Emergency & Remedial Response Division
USEPA, Region II
290 Broadway
New York, New York 10007-1866

RE: Former Buckbee-Mears
30 Kellogg Road
Cortland, NY 13045

Dear Mr. Pavlou:

The New York State Department of Environmental Conservation (NYSDEC) hereby requests the United States Environmental Protection Agency (USEPA) perform an appropriate CERCLA emergency response action at the former Buckbee-Mears manufacturing facility, located at 30 Kellogg Road, Cortland, New York. This company appears to have manufactured aperture masks for color TV picture tubes and medical stents.

On July 27, 2006, representatives from the United States Environmental Protection Agency (Jeff Bechtel and Chris D'Onofrio), the New York State Department of Environmental Conservation and the City of Cortland conducted an inspection, with your permission, of the former Buckbee- Mears facility at the above-referenced location. This inspection was prompted by concerns expressed to this office by the Cortland Police and Fire Departments. During the inspection, it was noted that the perimeter fence was broken down, facility doors were not locked and that the inside of the facility had been subjected to vandalism. The roof was leaking, chemical containers have leaked onto the floor and drums containing hazardous waste were rusted. Reportedly, this facility has not operated since approximately May 2005. Utilities serving the building were not operational and reportedly disconnected.

Specifically, the following materials were observed at the facility:
nine drums of Photoresist in the hazardous waste storage building;
chromium-contaminated Photoresist in the hazardous waste storage building;
eleven drums of chromium trioxide located in the chromate mixing room;
one drum of methanol in the hazardous waste storage building
three boxes of light bulbs in the hazardous waste storage building;

a rolloff containing wastewater treatment plant sludge in the filter press room;
tank 54 (4857 gallons) containing sulfuric acid;
tank 46 (5390) containing nitric acid;
tank 44 (5456 gallons) containing sodium hydroxide;
tanks 36 (6374 gallons), 42 (6178 gallons), 103 (1181 gallons), and 104 (932 gallons)
containing ferric chloride;
tank 38A containing 1262 gallons of sodium bisulfite;
tanks 58 (2110 gallons), 59 (2112 gallons) and 100 (165.2 gallons) containing hydrochloric acid;
tank 101 containing 2040 gallons of caustic potash;
tank 001 containing 1200 gallons of anhydrous ammonia; and
other wastes such as descaling agents, cleaners, and general chemicals used in operation and
maintenance of the facility.

USEPA emergency response action is needed to identify and dispose of hazardous materials at this site. Such action is necessary to preclude future and potential releases threatening the community and the environment.

If you have any questions regarding this request, please contact Mr. Richard Brazell, Regional Spill Engineer in our Region 7 office in Syracuse, NY at 315-426-7523 (work) or 315-447-8516 (cell).

Sincerely,

Andrew J. English

Andrew J. English, P.E.
Acting Director
Bureau of Technical Support

cc: E. Mosher - USEPA, Region II, Edison, NJ
G. Zachos - USEPA, Region II, Edison, NJ
J. Rotola - USEPA, Region II, Edison, NJ
J. Daloia- USEPA, Region II
R. Brazell- NYSDEC Region 7

ec: D. Desnoyers
S. Ervolina
M. Johnson
D. Farrar
P.D. Smith
MJ Peachey

**New York State Department of Environmental Conservation
Regional Engineer, Region 7**

615 Erie Boulevard West, Syracuse, New York 13204-2400
Phone: (315) 426-7403 • FAX: (315) 426-7408
Website: www.dec.state.ny.us



Denise M. Sheehan
Commissioner

**Certified Mail
Return Receipt Requested**

July 31, 2006

Mr. Mitchell Katz, Esq.
Menter Law Office
500 South Salina Street
Suite 500
Syracuse, NY 13202

and

www.SKKAura@iedindia.com Sent via e-mail

Re: International Electron Devices Inspection
Former Buckbee-Mears Company
30 Kellogg Road, City of Cortland, Cortland County

Dear Mr. Katz and Mr.Kaura:

On July 27, 2006, representatives from the United States Environmental Protection Agency, the New York State Department of Environmental Conservation and the City of Cortland conducted an inspection, with your permission, of the former Buckbee-Mears facility at the above-referenced location. This inspection was prompted by concerns expressed to this office by the Cortland Police and Fire Departments. During the inspection, it was noted that the perimeter fence was broken down, facility doors were not locked and that the inside of the facility had been subjected to vandalism. The roof was leaking, chemical containers have leaked onto the floor and drums containing hazardous waste were rusted. Reportedly, this facility has not operated since approximately May 2005. Utilities serving the building were not operational and reportedly disconnected.

Multiple violations of the Environmental Conservation Law were discovered. A detailed description of these violations will subsequently be provided to you in a Notice of Violation. However, it is imperative that the imminent concern regarding the unsecure nature of the facility and the chemicals and wastes at this location be addressed immediately.

Specifically, the following materials were observed at the facility:

- nine drums of Photoresist in the hazardous waste storage building;
- chromium-contaminated Photoresist in the hazardous waste storage building;
- eleven drums of chromium trioxide located in the chromate mixing room;
- one drum of methanol in the hazardous waste storage building;
- three boxes of light bulbs in the hazardous waste storage building;
- a rolloff containing wastewater treatment plant sludge in the filter press room;
- tank 54 (4857 gallons) containing sulfuric acid;
- tank 46 (5390) containing nitric acid;
- tank 44 (5456 gallons) containing sodium hydroxide;
- tanks 36 (6374 gallons), 42 (6178 gallons), 103 (1181 gallons), and 104 (932 gallons) containing ferric chloride;
- tank 38A containing 1262 gallons of sodium bisulfite;
- tanks 58 (2110 gallons), 59 (2112 gallons) and 100 (165.2 gallons) containing hydrochloric acid;
- tank 101 containing 2040 gallons of caustic potash;
- tank 001 containing 1200 gallons of anhydrous ammonia; and
- other wastes such as descaling agents, cleaners, and general chemicals used in operation and maintenance of the facility.

Within 10 days from receipt of this letter by Mr. Katz, all the hazardous wastes, chemicals listed above and other chemicals and wastes at this facility must be removed and properly disposed of in accordance with state and federal regulations. Failure to complete this action will result in the New York State Department of Environmental Conservation requesting the United States Environmental Protection Agency to perform an emergency removal action. Cost recovery will be sought for any such work performed by the Government.

Please contact me no later than August 4, 2006 to discuss progress on this matter. Your cooperation is appreciated.

Sincerely,



Mary Jane Peachey, P.E.
Regional Engineer

MJP:klw

cc: Cortland Police Department, Attn: Lt. Sandy
Tom Gallagher, Mayor, City of Cortland
Cortland Fire Department

bcc: D. Farrar
M. Reynolds
N. Barber
T. DiGiulio
B. Rogers
R. Brazell
K. Kemp
M. Peachey
S. Crisafulli
J. Masuicca
P. Counterman
R. Brauksieck
K. Lynch

New York State Department of Environmental Conservation
Division of Environmental Remediation, 11th Floor
625 Broadway, Albany, New York 12233-7020
Phone: (518) 402-9543 • FAX: (518) 402-9595
Website: www.dec.state.ny.us



August 1, 2006

Mr. George Pavlou, Director
Emergency & Remedial Response Division
USEPA, Region II
290 Broadway
New York, New York 10007-1866

CONFIDENTIAL

RE: Former Buckbee-Mears
30 Kellogg Road
Cortland, NY 13045

Dear Mr. Pavlou:

The New York State Department of Environmental Conservation (NYSDEC) hereby requests the United States Environmental Protection Agency (USEPA) perform an appropriate CERCLA emergency response action at the former Buckbee-Mears manufacturing facility, located at 30 Kellogg Road, Cortland, New York. This company appears to have manufactured aperture masks for color TV picture tubes and medical stents.

On July 27, 2006, representatives from the United States Environmental Protection Agency (Jeff Bechtel and Chris D'Onofrio), the New York State Department of Environmental Conservation and the City of Cortland conducted an inspection, with owner's permission, of the former Buckbee-Mears facility at the above-referenced location. This inspection was prompted by concerns expressed to this office by the Cortland Police and Fire Departments. During the inspection, it was noted that the perimeter fence was broken down, facility doors were not locked and that the inside of the facility had been subjected to vandalism. The roof was leaking, chemical containers have leaked onto the floor and drums containing hazardous waste were rusted. Reportedly, this facility has not operated since approximately May 2005. Utilities serving the building were not operational and reportedly disconnected.

Specifically, the following materials were observed at the facility:

- Nine (9) drums of Photoresist in the hazardous waste storage building.
- Chromium-contaminated Photoresist in the hazardous waste storage building.
- Eleven (11) drums of chromium trioxide located in the chromate mixing room.
- One (1) drum of methanol in the hazardous waste storage building.
- Three (3) boxes of light bulbs in the hazardous waste storage building.
- A rolloff containing wastewater treatment plant sludge in the filter press room.
- Tank 54 (4857 gallons) containing sulfuric acid.

Page 2

- Tank 46 (5390) containing nitric acid.
- Tank 44 (5456 gallons) containing sodium hydroxide.
- Tanks 36 (6374 gallons), 42 (6178 gallons), 103 (1181 gallons), and 104 (932 gallons) containing ferric chloride.
- Tank 38A containing 1262 gallons of sodium bisulfite.
- Tanks 58 (2110 gallons), 59 (2112 gallons) and 100 (165.2 gallons) containing hydrochloric acid
- Tank 101 containing 2040 gallons of caustic potash.
- Tank 001 containing 1200 gallons of anhydrous ammonia.
- Other wastes such as descaling agents, cleaners, and general chemicals used in operation and maintenance of the facility.

USEPA emergency response action is needed to identify and dispose of hazardous materials at this site. Such action is necessary to preclude future and potential releases threatening the community and the environment.

If you have any questions regarding this request, please contact Mr. Richard Brazell, Regional Spill Engineer in our Region 7 office in Syracuse, NY at 315-426-7523 (work) or 315-447-8516 (cell).

Sincerely,

Andrew J. English

Andrew J. English, P.E.
 Director
 Bureau of Technical Support

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 G. Zachos - USEPA, Region II, Edison, NJ
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 R. Brazell- NYSDEC Region 7

ec: D. Desnoyers
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**New York State Department of Environmental Conservation
Regional Engineer, Region 7**

615 Erie Boulevard West, Syracuse, New York 13204-2400
Phone: (315) 426-7403 • FAX: (315) 426-7408
Website: www.dec.state.ny.us



OCT - 6 2006

October 4, 2006

*File
Buck Bee
Mears*

**International Electron Devices (USA) LLC d/b/a
Buckbee-Mears Co., a Division of IED (USA) LLC, c/o:**

Mr. Thomas J. Fucillo, Esq. Menter, Ruden & Trivelpiece, P.C. 500 South Salina Street, Suite 500 Syracuse, NY 13202-3300 and	Sent via CERTIFIED MAIL RETURN RECEIPT REQUESTED
<u>SKKaura@iedindia.com</u> and	Sent via E-MAIL
NATIONWIDE INFORMATION SERVICES, INC. 52 JAMES STREET 5TH FL ALBANY, NEW YORK 12207	Sent via CERTIFIED MAIL RETURN RECEIPT REQUESTED

**RE: NOTICE OF VIOLATION of Environmental Conservation Law
International Electron Devices/Former Buckbee-Mears Company
30 Kellogg Rd, Cortland, New York 13045**

EPA Identification Number: NYD010783967
CBS Number: 7-000148

Dear Mr. Fucillo and Mr. Kaura:

On July 27, 2006 Department staff inspected the Buckbee-Mears Company facility located at 30 Kellogg Road in the City of Cortland in order to determine compliance with the New York State Industrial Hazardous Waste Management Law and regulations pursuant thereto and with New York State's Chemical Bulk Storage (CBS) regulations. Buckbee-Mears Company is a division of International Electron Devices, and hereinafter is referred to as "IED."

At the time of the inspection, the following violations were noted:

Violations of Part 372

6 NYCRR Part 372.2(a)(2) requires a person who generates a solid waste to determine if that waste is a hazardous waste. IED did not make this determination and, therefore, is in violation of 6 NYCRR Part 372.2(a)(2). IED made no hazardous waste determinations for the materials in the numbered process tanks, the chromium trioxide, the methanol drum, the contents of the mixing vat in the chromate mixing room, the chlorine tanks, or the 496 degreaser.

6 NYCRR Part 372.2(a)(8)(ii) allows a generator to accumulate hazardous waste on the site of generation for a period of 90 days or less under the following conditions in order to not be subject to the regulations applicable to hazardous waste treatment, storage and disposal facilities:

- all such wastes are shipped off-site to a permitted treatment, storage or disposal (TSD) facility in 90 days or less;
- the containers must be maintained in good condition and no transfer of hazardous waste into other containers if the containers leaks; and
- a label or sign stating "Hazardous Waste" must identify all areas, tanks, and containers used to accumulate hazardous waste. In addition, tanks and containers must be marked with other words to identify their contents.

IED has not met the requirement(s) identified above and, therefore, IED is in violation of 6 NYCRR Part 372.2(a)(8)(ii). The material in the process tanks, and the chromium trioxide were not labeled as required, and waste was stored for greater than 90 days. Additionally, several chromium trioxide containers were rusting.

6 NYCRR Part 372.2(c)(2) requires a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility located within the United States to submit Annual Reports on forms specified by the commissioner. This report must be submitted to the Department no later than March 1 for the preceding calendar year. Buckbee Mears generated and shipped hazardous waste off-site in 2005 according to hazardous waste manifests received by the Department, but has not submitted the required Annual Report for calendar year 2005 and, therefore, is in violation of 6 NYCRR Part 372.2(c)(2).

Violations of Part 373

6 NYCRR Part 373-1.2©) requires that owners and operators of hazardous waste management facilities to obtain a Part 373 permit prior to operating a new hazardous waste management facility. The facility required a permit because hazardous waste was stored at the facility for a period greater than 90 days. Because IED stored hazardous waste at the facility for more than 90 days without a Part 373 permit IED has violated 6 NYCRR 373-1.2©).

6 NYCRR Part 373-3.9(e) requires that the owner or operator of a hazardous waste management facility must inspect container storage areas at least weekly, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion or other factors. IED has not

met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.9(e). Regular inspections were not performed since the plant ceased operating.

6 NYCRR Part 373-3.3(b) requires a facility to be operated and maintained to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, surface water which could threaten human health or the environment. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.3(b). Department staff observed that the perimeter fence was down at one location, and several doors to the facility had broken locks. Access to the facility was thus uncontrolled. The hazardous waste storage building could have been broken into, and materials located in the plant could have been spilled.

6 NYCRR Part 373-3.3(c) requires that all facilities must be equipped with the following:

- an internal communications or alarm systems capable of providing immediate emergency instruction (voice or signal) to facility personnel;
- a device, such as a telephone (immediately available at the scene of operations) or a hand-held two-way radio, capable of summoning emergency assistance from local police departments, fire departments, or State or local emergency response teams;
- portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals, spill control equipment, and decontamination equipment); and
- water at adequate volume and pressure to supply water hose streams, foam producing equipment, automatic sprinklers, or water spray systems.

The facility does not meet the above requirements and, therefore, is in violation of 6 NYCRR Part 373-3.3(c). At the time of the inspection the facility had no utilities, including phone, water, electric, and natural gas. It is unknown if fire extinguishers are operational.

6 NYCRR Part 373-3.3(d) requires all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, to be tested and maintained as necessary to assure its proper operation in time of emergency. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.3(d).

6 NYCRR Part 373-3.2(d)(1) requires the owner or operator to obtain a detailed chemical and physical analysis of a representative sample of the waste before treating, storing or disposing of the waste. In addition the following requirement for waste analysis must be met:

- at a minimum, the analysis must contain all the information which must be known to treat, store or dispose of the waste in accordance with the requirements of this Subpart, and Part 376 of this Title.

IED has not met the above requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.2(d)(1). There was no analysis performed for either the waste in the process tanks or the chromium trioxide.

6 NYCRR Part 373-3.2(e) requires an owner or operator to prevent the unknowing entry, and minimize the possibility for the unauthorized entry of persons or livestock onto the active portion of a facility unless physical contact with the waste structures, or equipment within the active portion of the facility will not injure unknowing or unauthorized persons or livestock which may enter the active portion of a facility; and disturbance of the waste or equipment, by the unknowing or unauthorized entry of persons or livestock onto the active portion of a facility, will not cause a violation of the requirements of this Subpart. Unless the owner or operator has made a successful demonstration of the above, the facility must have all the following:

- a 24-hour surveillance system which continuously monitors and controls entry onto the active portion of the facility, or an artificial natural barrier which completely surrounds the active portion of the facility;
- a means to control entry, at all times, through the gates or other entrances to the active portion of the facility; and
- a sign with the legend, "Danger - Unauthorized Personnel Keep Out," must be posted at each entrance to the active portion of a facility, and at other locations, in sufficient numbers to be seen from any approach to this active portion.

IED has not met the above requirements and, therefore, IED is in violation of 6 NYCRR Part 373-3.2(e). Entry to the facility was uncontrolled due to the absence of locked doors, and the broken down fence. Department staff observed evidence of trespass. There was also no signage as required above.

6 NYCRR Part 373-3.7(c)(1) and (2) requires that the owner or operator must have a written Closure Plan, which must identify the steps necessary to completely or partially close the facility at any point during its intended life and at the end of its intended life. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.7(c)(1) and (2).

6 NYCRR Part 373-3.8(c)(1)(I) requires that the owner or operator must have a written estimate of the facility closure cost which equals the cost of closure at the point in the facility's operating life when the extent and manner of its operation would make closure the most expensive, as indicated by its closure plan. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.8(c)(1)(I).

6 NYCRR Part 373-3.8(c)(2) requires that within 60 days prior to each anniversary of the date on which the first closure cost estimate was prepared, the owner or operator has adjusted the latest closure cost estimate for inflation. For owners and operators using the financial test or corporate guarantee, the

closure cost estimate must be updated for inflation within 30 days after the close of the firm's fiscal year. IED has not met this requirement and, therefore IED is in violation of 6 NYCRR Part 373-3.8(c)(2).

6 NYCRR Part 373-3.8(c)(3) requires the owner or operator to revise the closure cost estimate no later than 30 days after a revision to the closure plan affects the cost of closure. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.8(c)(3).

6 NYCRR Part 373-3.8(c)(4) requires the owner or operator to keep the latest closure cost estimate and the latest inflation-adjusted closure-cost estimate at the facility. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.8(c)(4).

6 NYCRR Part 373-3.8(d) requires the owner or operator to establish financial assurance for closure of the facility. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.8(d).

6 NYCRR Part 373-3.8(h)(1) requires the owner or operator of a facility or a group of facilities to demonstrate and maintain financial responsibility for bodily injury and property damage to third parties caused by sudden accidental occurrences arising from operations. This liability coverage is in the amount of at least \$1 million per occurrence with an annual aggregate of at least \$2 million. IED has not met this requirement and, therefore, IED is in violation of 6 NYCRR Part 373-3.8(h)(1).

6 NYCRR Part 373-3.8(c)(1)(I) requires that the estimate must equal the cost of final closure at the point in the facility's active life when the extent and manner of its operation would make the final closure the most expensive, as indicated by its closure plan. IED has not met the above requirement, therefore, you IED is in violation of 6 NYCRR Part 373-3.8(c)(1)(I).

Violations of Parts 596, 598, and 599

6 NYCRR 598.10(b) - Temporarily Out-of-Service Tanks for 30 Days or More

Aboveground storage tanks (ASTs) and underground storage tanks (USTs) which are temporarily out-of-service for thirty (30) or more days must be closed in accordance with the requirements of 6 NYCRR Part 598.10(b). All product must be removed from the tank and piping system to the lowest drawoff point. Any waste product removed from the tank must be disposed of in accordance with all applicable state, local and federal requirements. Tanks must be protected from flotation in accordance with generally accepted engineering practices. All manways must be locked or bolted securely. Fill lines, gauge openings, etc., must be capped, locked out, or plugged to prevent unauthorized use or practices. Storage tanks or facilities which are temporarily out-of-service remain subject to registration, leak detection and reporting requirements of Parts 595, 596, and 598. Additionally, tanks out-of-service for more than one (1) year must be inspected or tested and determined to be structurally sound and tight before being returned to service. Underground tanks and aboveground tanks with a volume which is ten (10) percent or more beneath the surface of the ground which are temporarily out-of-service for more than one (1) year must be permanently closed if the tank has not been protected from corrosion as required under §599.3(d) and §599.8(d). These tanks have been out of service for 30 days or more and do not satisfy one or more of these requirements [§598.10(b)].

6 NYCRR 599.8(c) - Protection for Tanks Subject to Melting

All ASTs constructed of plastic, cross-linked polyolefin, high density polyethylene, fiberglass-reinforced plastic or any other material subject to melting when exposed to fire must be suitably protected against fire and located so that any spill or release resulting from the failure of these materials could not unduly expose persons, buildings, structures or the environment. Some of the tanks are subject to melting when exposed to fire and are not suitably protected against fire through location or installation of an automatic fire protection system, one that is not manually activated, or other method acceptable to the Department [§599.8(c)].

6 NYCRR 599.8(h) - Protection for Tanks Subject to Explosion

Tanks must be protected from explosion in accordance with generally accepted engineering practices. Protection must be provided by fail-safe cooling systems, fire-proofing, depressurizing valves, foundation sloping to prevent burning liquids from accumulating under the tank, or other equally effective means determined by a qualified engineer and acceptable to the department [§599.8(h)].

6 NYCRR 599.17(b)(1) - Hazardous Substance Level Gauge, Overfill Protection, and Leak Detection

All ASTs and USTs must be equipped with one of the following:

- A device which will alert the operator or carrier by triggering either a high-level warning alarm when the product reaches ninety-five (95) percent of the working capacity of the tank;
- A device such as a high-level trip (delivery cut-off system) which will automatically shut off or restrict flow when the product level reaches the working capacity of the tank;
- An automatic by-pass to an overflow tank if the overflow tank is equipped with overflow protection; or
- Other equivalent systems for preventing overfills.

Equipment for these tanks is installed but is not operational [§599.17(b)(1)(I)].

1. Level Gauges for Remotely Operated Tank Systems

Where filling or emptying is remotely operated, all gauges must be located at the remote operating station. In addition, remote flow controls shall be provided. The level gauges and flow controls at the remote fill port for these tank systems are not operational.

2. Level Gauges for Tanks

All ASTs must be equipped with a gauge or other monitoring device which accurately determines the level or quantity of substance in the tank. The gauge must be accessible to the operator or carrier and be installed so that it can be conveniently read. Although the level gauge for these tanks are installed, the gauges are not operational.

3. Piping Corrosion Protection

Unless constructed of a corrosion resistant material, the exterior surfaces of aboveground piping systems must be protected from corrosion [§598.9(e) & §599.13(c)(1)]. The aboveground piping associated with these tanks does not have the required corrosion protection.

4. Piping Leak Detection

All on-ground or underground piping that conveys hazardous substances under pressure must be equipped with an automatic line leak detector which will alert the operator to the presence of a leak by restricting or shutting off the flow of hazardous substances through the piping or by triggering an audible or visual alarm. These devices must detect leaks equivalent to three (3) gallons per hour at ten (10) pounds per square inch gauge (psig) line pressure within one hour with a probability of detection of ninety-five (95) percent and a probability of false alarm of five (5) percent or less. The leak detection system is not operable [§598.6(c)(2)].

5. Piping Labeling

Aboveground piping installed after February 11, 1995 must bear a stencil, label, or plate which contains the chemical name, or common name if the chemical name is not appropriate, for the substance stored. The stencil, label, or plate must be located at all valves, pumps, switches and on each side of any wall where piping enters or exits. At least one (1) conspicuously visible label must be provided at each end of the piping. Either the chemical name or the placement of the label for the piping associated with these tanks does not satisfy the regulatory requirements of §599.13(c)(4).

6. Leaks from Pumps and Valves

All pumps and valves which control a liquid hazardous substance must make use of one or more of the following methods to prevent spills and leaks:

- Installation of sealless pumps and valves, fail-safe double seal pumps and valves or equivalent technology;
- Implementation of a pump and valve maintenance and repair program; or
- Installation of pumps and valves within a catchment basin such as a drip pan, pad, or secondary containment system. The catchment basin must be designed and constructed with a permeability rate to the substance stored of 1×10^{-6} cm/sec or less and be compatible with the hazardous substance stored.

The pumps and valves associated with these tanks do not employ one or more of these three methods to prevent spills and leaks [§598.5(e)].

6 NYCRR 596.2(f) - CBS Registration Certificate - Accuracy of Information

The registration information is not current and valid.

6 NYCRR 598.1(k)(1) - Preparation of Spill Prevention Report (SPR)

The owner or operator of any site must prepare and maintain at the site a SPR for preventing and responding to spills, releases and accidents at the facility. The SPR should have been developed at the time of installation and updated every year. The SPR could not be located at the site at the time of the inspection. Additional requirements of the SPR are listed below:

- The SPR must be updated annually or whenever a significant release occurs or a substantial modification is made [§598.1(k)(1)].
- A copy of the current registration application and certificate must be included in the SPR [§598.1(k)(2)(I)].
- The SPR must have current approval by management as evidenced by the signature of the principal executive officer or authorized representative [§ 598.1(k)(2)(ii)].
- The SPR must contain an up-to-date site map that is sufficiently detailed to locate and identify tanks, transfer stations and connecting pipes [§ 598.1(k)(2)(iii)].
- The name, signature, and license number of the Professional Engineer licensed in New York State, or other qualified person, who prepared the SPR, must be provided [§598.1(k)(iv)].
- A listing and/or description of the magnitude and impact of all reportable spills over the past five years shall be included [§598.1(k)(2)(v)]. If there have been no reportable spills, a certified statement to that effect is acceptable.
- The SPR shall contain a section which identifies and assesses the causes of spills, leaks, and releases at the site [§598.1(k)(2)(vi)]. If there have been no reportable spills, a certified statement to that effect is acceptable.
- A spill response plan must be prepared and incorporated into the SPR [§598.1(k)(2)(x)]. It shall include: a prediction of the direction of flow/dispersion of a spill; a map showing areas impacted by a spill including sewers, drainage ditches, water supplies, wells, streams and populated areas; a list of equipment and materials to contain a spill; name and phone number for emergency contacts, coordinators, and clean-up contractors; spill reporting procedures; plans for annual drills; and other information consistent with generally accepted spill prevention control and countermeasure practices.

SPR - Inspections

1. AST Systems - Annual Inspections

The owner/operator must conduct a comprehensive annual inspection of aboveground storage tank systems to include visually inspecting for cracks, corrosion, poor maintenance and operating practices, excessive settlement of structures, separation or swelling of tank insulation, malfunctioning equipment, safety interlocks safety trips, automatic shutoffs, leak detection and monitoring, warning or gauging equipment which may not be operating properly; and including reviewing compliance with Parts 598 and 599. The inspection shall also include an inspection of the cathodic protection system for aboveground tanks and piping subject to corrosion [§598.7(c)(1)]. Further, the qualified technician must sign and date a statement certifying that the test or inspection has been performed in a manner consistent with the requirements of Part 598 and records must be kept for five (5) years [§598.8]. Items of non-compliance are listed below:

a. Aboveground Tanks -

(1) The annual visual inspection has not been performed [§598.7(c)(2)]. Annual visual inspections have not been performed in a manner consistent with the requirements [§598.7(c)(2)].

(2) For tanks subject to corrosion, the cathodic protection system must be checked annually by a qualified technician and maintained to achieve protection. The required annual testing of cathodic protection systems for on-ground tanks has not been performed [§598.7(c)(1)].

b. Aboveground Piping -

(1) The annual visual inspection has not been performed [§598.7(c)(2)]. The annual visual inspection has not been performed in a manner consistent with the requirements [§598.7(c)(2)].

(2) For piping subject to corrosion, the cathodic protection system must be checked annually by a qualified technician and maintained to achieve protection. The cathodic protection system for on-ground and underground piping has not been maintained to achieve protection [§598.9].

2. AST Systems - Five-year Inspections

The owner/operator must conduct a five-year inspection of all aboveground tank and piping systems. The inspection must be consistent with a consensus code, standard, or practice that is developed by a nationally recognized association or independent testing laboratory. Based on the inspection, an assessment and evaluation must be made of system tightness, structural soundness, corrosion, wear, foundation weakness and operability [§598.7(d)]. Further, the engineer or qualified technician must sign and date a statement certifying that the test or inspection has been performed in a manner consistent with the requirements of Part 598 and records must be kept for ten (10) years [§598.8]. Five-year inspections of the aboveground tanks and piping systems have not been conducted.

3. Compliance Review

A status report on compliance with Parts 596, 598 and 599 must be developed and incorporated into the SPR [§598.1(k)(2)(vii)] and [§598.7(c)(2)(v)]. A compliance review has not been prepared.

Upon installation of new ASTs and piping systems, testing and inspection is required to determine the presence of weld breaks, punctures, scrapes of protective coatings, cracks, corrosion, structural damage, and improper installation. For tanks, the inspector must sign and date a statement certifying that the system meets the standards of Part 599. The inspector's statement, records of the test and any repairs necessary to correct deficiencies must be kept for five years following the date of installation and made part of the SPR. For piping, the inspector must sign and date a statement verifying that to the best of his or her knowledge, the installation was properly conducted on the date(s) shown, and the record of the examination, procedures, inspection personnel and personnel qualifications must be kept for five years following the date of the inspection and made part of the SPR.

a. Aboveground Tanks [§599.11(f)(4) and (5)]

The required inspector's statement certifying that the system meets the standards of Part 599 is not provided.

b. Piping Systems Associated with Tanks [§599.16(e)(3) and (4)]

The required inspector's statement certifying that the installation was properly conducted on the date(s) shown is not provided.

4. Life Expectancy

All ASTs must be designed with a minimum of 30 years of useful life unless a shorter life expectancy is defined in the SPR [§599.8(b)(1)]. The life expectancy of all piping systems must be determined and specified in the SPR [§599.13(a)(1)].

5. Rupture Disks

All rupture disks must be replaced with new ones at least every three (3) years, or in accordance with any other frequency recommended by the disk manufacturer, or justified on the basis of operating experience in the SPR [§598.9(f)]. Rupture disk replacement for this tank does not employ one of the three methods identified.

6. Secondary Containment for Transfer Stations [§598.5(d) and §599.17(c)]

All transfers of hazardous substances must occur at a transfer station equipped with a permanently installed secondary containment system. The containment system must have an acceptable spill containment volume; satisfy permeability to the substance stored; must be constructed, coated, or lined with materials that are compatible with the substance stored; and be equipped with a sump and a manually-controlled drainage system which must be locked closed [§599.17(c)(2)]. This transfer station has not been properly maintained; the water stop material has been breached by weeds and debris.

7. Mixing of Incompatible Substances

A site is required to have equipment or practices in place to prevent the mixing of incompatible substances. This must include either mating of couplings to prevent mixing or written site procedures which prevent delivery of a substance to the wrong tank and which prohibit transfer of incompatible substances at the same time within the same transfer station [§598.4(b)(7)]. The site has neither of these options for these tanks.

8. Non-Stationary Tanks

Non-stationary tanks must be stored in a stable position. If stacked, non-stationary tanks must be stacked on a stable platform or pallet [§598.5(g)(1)(v)]. The non-stationary tanks at this facility are not stored in a stable position.

Each non-stationary tank must be labeled to identify its contents; and inventory records must be kept for all containers stored within a non-stationary tank storage area. Such records must include the number of tanks and the contents of each [§598.5(g)(3)(I) and (ii)]. These non-stationary tanks are not properly labeled and the inventory records are not available.

Corrective Action and Penalties

Violations of the New York State Hazardous Waste Regulations and Chemical Bulk Storage Regulations may result in civil and criminal sanctions under the Environmental Conservation Law (ECL). Pursuant to ECL Section 71-2705, possible sanctions for each violation of 6 NYCRR Parts 372 and 373 include a civil penalty of up to \$37,500 per day for a first offense and \$75,000 per day for a second offense. Pursuant to ECL Section 71-4303, you may be liable for a civil penalty of up to \$25,000 per day for a first offense and \$50,000 per day for a second offense for each of the above noted violations of Parts 596, 598, and 599. Under ECL Section 71-1933, a person may be held criminally liable if any of the foregoing violations was the result of intentional, knowing or criminally negligent conduct.

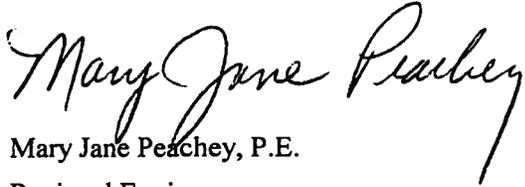
The violations identified in this letter require your immediate attention. Delays in correcting the violations noted above will affect the amount of penalties for which you will be liable. Note that the inspection may not have disclosed all violations that exist at your site. You are responsible for ensuring that the entire facility is in compliance with applicable requirements. This letter in no way precludes enforcement actions for any violations discovered at any time, nor does it relieve you from any liability you may have for regulatory fees and hazardous waste special assessment fees.

Within 30 calendar days from the date of this notice, you must submit in writing either documentation that the violations have been corrected or a plan to achieve compliance. In accordance with any corrective action plan, you must submit written documentation after compliance is achieved.

If necessary tank and piping repairs are not performed and completed, the tank systems shall be permanently closed in accordance with all applicable requirements. Any equipment installed or repaired shall be properly installed, tested, and certified to be operational and documentation of such submitted to this office prior to returning the storage tank to service. All waste products must be disposed per applicable requirements. Tanks must be protected from flotation.

If you have any questions about this notice or should you wish to discuss this matter further, please contact me at the telephone number above.

Sincerely,

A handwritten signature in black ink that reads "Mary Jane Peachey". The signature is written in a cursive, flowing style.

Mary Jane Peachey, P.E.

Regional Engineer

ec: Brian Rogers, DSHM Inspector, Region 7
Kevin Kemp, DER Inspector, Region 7
Nathaniel Barber, DEE Central Office
Mary Reynolds, DEE Central Office

bc: James Boylan, DLE, Region 7
Dennis Farrar, DER Central Office
David Rosoff, EPA
Marla Wieder, EPA
Timothy DiGiulio, DSHM, Region 7
Richard Brazell, DER, Region 7
Thomas Killeen, DSHM Central Office
Juzer Rasani, DSHM Central Office
Tara Blum, Regional Enforcement Coordinator
Scott Crisafulli, DEE Central Office

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**U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION REPORT**

I. HEADING

Date: February 6, 2007
Subject: Buckbee-Mears Site
City of Cortland, Cortland County, New York
Removal Action: RV1

From: Mark P. Pane, OSC
Removal Action Branch



To: J. Rotola, EPA
G. Zachos, EPA
M. Mears, EPA
M. Wieder, EPA
V. Capon, EPA
T. Grier, 5202G

RST
M. Peachy, NYSDEC
R. Brazell, NYSDEC
T. Gallagher, Mayor of Cortland
D. Baron, Cortland Fire Chief
M. Dwyer, EPA-CID

POLREP NO. : 2 [01/29/07 - 02/05/07] RV1

II. BACKGROUND

Site No:	YH
CERCLIS No:	NYN000205908
Response Authority:	CERCLA
NPL Status:	Not Listed or proposed
ROD Signed:	Not applicable
State Notification:	NYSDEC Notified
Start Date:	January 10, 2007
Completion Date:	Ongoing
Status of Action Memorandum:	Verbal Authorization granted on January 10, 2007
Delivery Order Number:	EP-W-04-054-044

III. SITE INFORMATION

The facility is located at 30 Kellogg Road, City of Cortland, Cortland County, New York, 13045. The property is approximately 50 (revised from Polrep 1) acres in size and contains a large main production building, interconnected with several smaller production buildings, an office building and several support buildings, including a flammable storage building and a hazardous waste storage garage. The size of the facility buildings are estimated at 367,000 ft².

The Buckbee-Mears facility was purchased by International Electron Devices (IED) on October 26, 2004. IED operated the facility until May, 2005, when the facility closed due to a lack of funding. A large number of the bulk chemicals used in production and the chemical wastes from past operations were abandoned on Site. These materials included: strong acids and caustics in large tanks, drums, process piping and numerous small containers throughout the facility. Approximately 7 cylinders of chlorine gas were also abandoned on Site.

During the Summer of 2006, the Cortland Police Department responded to a report of vandalism and became concerned when they discovered the large amount of chemicals which had been abandoned at the Site. The Cortland Police subsequently notified the New York State Department of Environmental Conservation (NYSDEC) of their findings. On July 27, 2006, representatives from the NYSDEC, the Cortland Police and Fire Departments and the Environmental Protection Agency (EPA) conducted a Site visit. The visit confirmed the presence of numerous hazardous substances in drums, tanks and cylinders throughout the facility. The potential for a chemical release was deemed serious because the facility was idle with no security and all utilities had been terminated. On August 1, 2006, the NYSDEC formally requested the EPA to conduct a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at this Site.

Negotiations with the PRP to perform the required clean up actions resulted in EPA issuing an Administrative Order on September 29, 2006. The PRP initially complied with the Order, but ceased correspondence with EPA in early November, 2006. Following several acts of vandalism at the facility EPA initiated a Removal Action on January 10, 2007.

IV. RESPONSE INFORMATION

A. Planned Response Actions

The planned scope of work for this action is to dispose or recycle all chemical wastes which remain on Site. This process will be accomplished in several phases. The first phase will be to dispose of the most dangerous materials posing the most significant threat of release, including the outside tanks and cylinders of chlorine gas. The next phase will be to perform a detailed inventory of the entire facility and get an accurate measure of the number of containers and volume of waste remaining on Site. Disposal of these materials, by either recycling or through an approved disposal facility, will follow. The last phase will be to flush process lines, drain equipment reservoirs, clean the catch basins, address the water treatment tanks and any remaining tanks or containers which may contain residual solidified waste.

B. Situation

1. Current situation

On January 9, 2007, EPA received a report from a former employee that the Site had been vandalized. Based on the amount of chemical waste known to exist on Site and the absence of any PRP action to provide security or undertake a clean up, the ERRD Director granted verbal authorization of \$250,000 to initiate a response action on January 10, 2007. A confirmation of verbal authorization was prepared the same day.

2. Response activities to date: January 22, 2007 through February 4, 2007

Site security was in place during all non working hours this period. No incidents were reported.

RST mobilized on January 23, 2007. Following an initial tour of the facility, they conducted air monitoring of the bulk chemical storage areas, the warehouse and the flammable storage building. Results from the draeger tubes and multi-rae showed no readings above background. On the same day, ERRS mobilized office trailers and a generator.

On January 25 and 26, 2007, EPA CID was on Site to collect information and chemical samples for their ongoing criminal case against IED. EPA CID retrieved the file servers from the Administration Building and retrieved all electronic correspondence it contained. They also reviewed some of the records kept in the Building. The servers were returned at the end of the day. CID also collected samples from the tanks of Hydrochloric acid, Sodium Hydroxide and the drums of flammable materials in the Flammable Storage Shed.

On January 29, 2007, RST initiated the chemical and hazardous waste inventory of the facility. By electronically scanning and re-constructing the Site maps, RST was able to enlarge the images to assist in the inventory process. The inventory procedure began in Building 5. Each room was given a number and the information on the chemical and hazardous materials it contained was recorded. This process was complicated by the absence of any natural light and the configuration of the Building. To date, a total of 74 rooms have been inventoried and 32 were found to contain some hazardous materials. A total of 480 containers of waste requiring disposal were identified. In addition, 10 pieces of equipment believed to contain radioactive sources were also identified.

On January 31, 2007, JCI of Caledonia, NY was on Site to retrieve 7, 150 pound cylinders of chlorine discovered in the Building 1 Chlorine Room. JCI was

identified as the supplier of the cylinders based on label information. They retrieved the material at no cost to EPA. Each of the cylinders were determined to be more than 50% full. JCI plans to recycle this material.

On February 1, 2007, Suburban Propane was on Site to retrieve 14, 33.5 pound cylinders staged at various locations around the perimeter of the facility. Suburban was identified as the supplier of these cylinders based on label information. The material was retrieved at no cost and Suburban plans to reuse them. Each of the 14 cylinders were at least partially full.

On February 2, 2007, ERRS completed set up and preparation of the first staging area. The area is located in the rear of Building 5. It was a former loading area and contains a large open space for segregating and staging waste and also has a loading dock to facilitate shipping.

On February 2, 2007, Yaman Realty was on Site to observe the condition of the facility and grounds and evaluate the market value of the Site. Yaman has a signed agreement with IED, to sell the property and its contents.

ERRS conducted snow plowing activities on 4 days during this period.

3. Enforcement

The owner of the facility, IED, abandoned the Site in May, 2005. EPA issued a Unilateral Administrative Order on September 29, 2006. IED has been in non compliance with the Order since November, 2006, and has not responded to any of the requests for access made by EPA. EPA is currently pursuing access for disposal of all remaining chemical wastes through a warrant with a local Judge.

C. Next Steps

EPA will continue Site security during all non working hours. ERRS will pursue disposal and recycling options for the waste material remaining on Site. Materials posing the most significant threat of release will be addressed first. These materials include the Anhydrous Ammonia tank and the Sulphuric Acid tank. RST will continue with the inventory process and ERRS will initiate the collection and segregation process.

D. Key Issues

Equipment failures due to freezing conditions and routine snow plowing have impeded daily progress at the Site. The magnitude of the facility and the lack of utilities has also slowed the chemical container inventory process.

EPA CID is pursuing a criminal investigation of IED. EPA plans to document the location, condition and volume of all waste material discovered on Site prior to its disposal. This information is necessary to counter any future PRP claims concerning any "takings" issues.

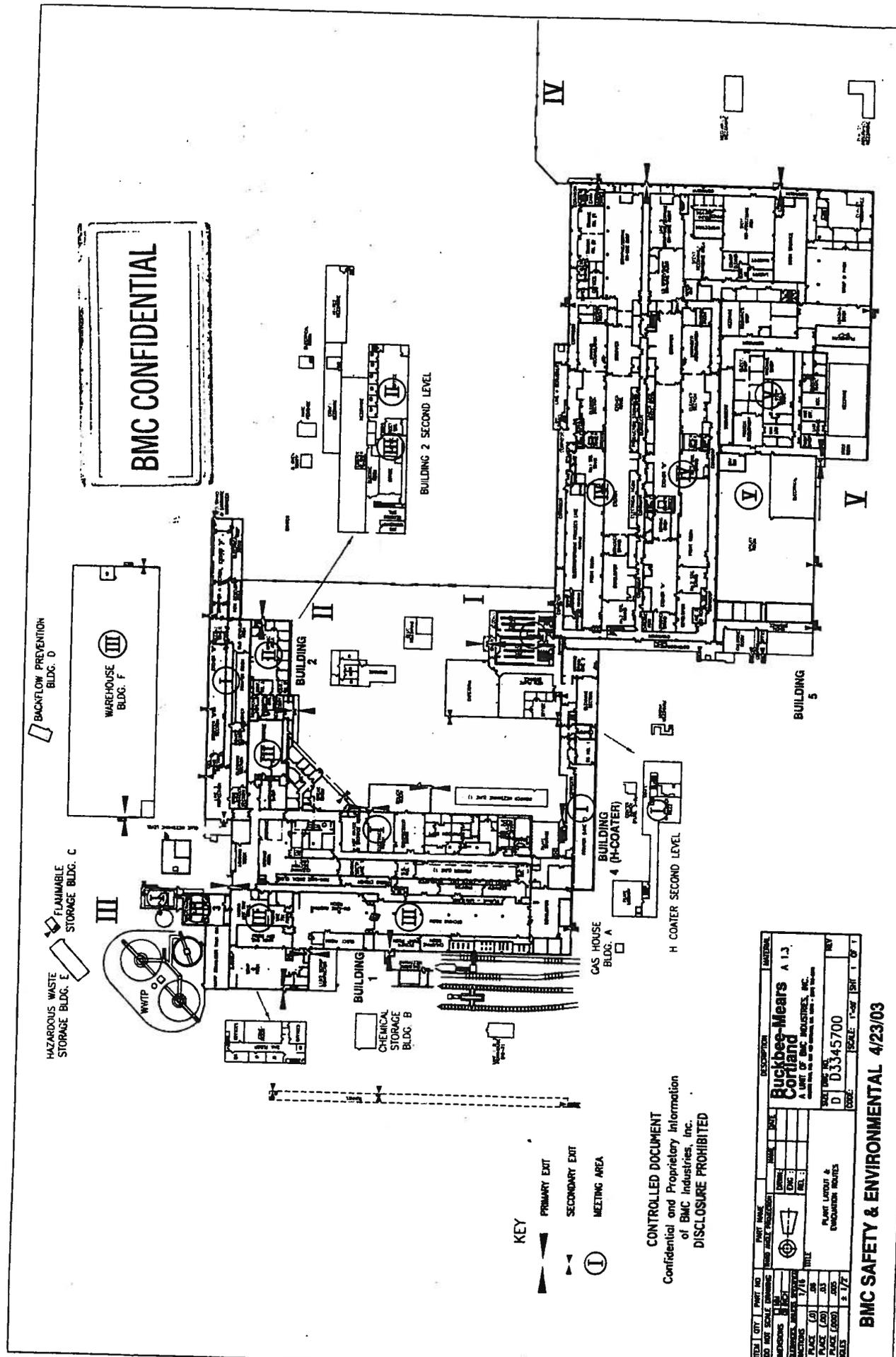
V. COST INFORMATION for RV1 (As of, February 3, 2007)¹

	Current Budget ²	Cost to Date³	Amount Remaining
ERRS	\$200,000	\$38,380	\$161,620
RST	\$25,000	\$18,807	\$6,193
EPA	\$25,000	\$12,000	\$13,000
CONTINGENCY	\$0	\$0	\$100,000
TOTAL	\$250,000	\$69,187	\$280,813

1. The cost accounting documented above is an estimate based on figures known to the OSC at the time this report was written. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.
2. ERRS funding for this action was approved under procurement request with DCN# HE-0054, dated January 10, 2007, in the amount of \$200,000. RST, EPA and contingency budgets are provided as part of the verbal authorization dated January 10, 2007.
3. RST cost is based on 1900-55 data prepared by Weston to document their field expenses. EPA cost is based on loaded estimated hourly rate of \$100/hour. ERRS costs for this Polrep are reported directly from corresponding 1900-55.

VI. DISPOSITION OF WASTES (During this Reporting Period)

Type of Waste	Quantity (Estimated)	Disposal Facility	Treatment	Shipment Dates	Manifest or Bill of Lading Numbers
150# Cylinders of Chlorine Gas	7	JCI Caledonia, NY 14423	Recycle and or Reuse	01/31/07	JCI-001
33.5 # Propane Cylinders	14	Suburban Propane 3833 US Route 11 Cortland, NY 13045	Recycle and or Reuse	02/01/07	373062



ITEM NO.	QTY.	UNIT	DESCRIPTION	DATE	BY	REVISION
1	1	PLANT LAYOUT & ENVIRONMENT ROUTES				
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100	1	PLANT LAYOUT & ENVIRONMENT ROUTES				

BMC SAFETY & ENVIRONMENTAL 4/23/03

New York State Department of Environmental Conservation
Division of Environmental Enforcement
Bureau of Enforcement and Compliance Assurance, 14th Floor
625 Broadway, Albany, New York 12233-5500
Phone: (518) 402-9507 • FAX: (518) 402-9019
Website: www.dec.state.ny.us



February 26, 2007

RECEIVED
MAR - 1 2007

SERVED VIA NYS DEPARTMENT OF STATE

International Electron Devices (USA), LLC
c/o NYS Secretary of State
41 State Street
Albany, NY 12207

Re: International Electron Devices (USA), LLC
RCRA Case #: CO 7-20070223-11

Dear Sirs:

The New York State Department of Environmental Conservation (“the Department”) has made a preliminary finding that International Electron Devices (USA), LLC has violated certain regulations pertaining to chemical bulk storage and hazardous waste management promulgated under the authority of the Environmental Conservation Law. The alleged violations are fully set forth in the enclosed administrative Complaint which is hereby served upon you pursuant to §622.3 of Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York. Also enclosed is a Notice of Hearing.

Possible sanctions for violations of ECL Article 27, Title 9 and its regulations include a civil penalty of up to \$37,500 and an additional penalty of up to \$37,500 for each day of violation; for a second offense, a civil penalty of up to \$75,000 plus \$75,000 for each day of violation may be imposed.

Possible sanctions for violations of ECL Article 40 and its regulations include a civil penalty of up to \$25,000 and an additional penalty of up to \$25,000 for each day of violation; for a second offense, a civil penalty of up to \$50,000 plus \$50,000 for each day of violation may be imposed.

International Electron Devices (USA), LLC is entitled by law to a full administrative hearing on this matter. Should International Electron Devices (USA), LLC decide to contest the Department's allegations, an Answer must be served within twenty days of receipt of the Complaint. Upon receipt of the Answer, I will contact the Office of Hearings for assignment of an administrative law judge and a date for hearing. Should International Electron Devices (USA), LLC fail to file an Answer, the Department will move for a default judgment and request

that the Office of Hearings issue an Order compelling International Electron Devices (USA), LLC to remedy the cited violations and pay the full penalty.

If you wish to schedule an informal conference to discuss settlement, please contact me at (518) 402-9507 as soon as possible. A request for an informal conference does not extend the date by which an Answer must be served.

Very truly yours,


Nathaniel H. Barber
Senior Attorney

Enclosures

bcc: w/attachment

Bruce Fein

Mary Reynolds

Mary Jane Peachey

Tim DiGiulio

Juzer Rasani

STATE OF NEW YORK:

DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of the Alleged Violations of the Environmental Conservation Law ("ECL") of the State of New York, and Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York ("6 NYCRR")
by:

INTERNATIONAL ELECTRON DEVICES (USA), LLC,
Respondent.

**NOTICE OF
HEARING**

Case No.:
CO 7-20070223-11

Please take Notice that pursuant to Title 6 Part 622, (revised January 1994) of the Official Compilation of Codes, Rules and Regulations of the State of New York (hereinafter "6 NYCRR"), the Department shall request that a public hearing be convened at the Region 7 Office of this Department at such place and on such day or days as the Hearing Officer may fix, in order to consider certain violations of Article 27 of the Environmental Conservation Law which Respondent is charged with having committed as more specifically set forth in the attached Complaint.

PLEASE BE ADVISED that pursuant to 6 NYCRR 622.4, Respondent must, within 20 days of receiving this Notice of Hearing and Complaint, serve upon the New York State Department of Environmental Conservation staff an Answer signed by the Respondent, Respondent's attorney or other authorized representative; that any affirmative defenses, including exemptions to permit requirements, will be waived unless raised in the Answer;

PLEASE BE FURTHER ADVISED that failure to make timely service of an Answer or failure to attend a pre-hearing conference will result in a default and waiver of Respondent's right to a hearing.

PLEASE BE FURTHER ADVISED that a hearing date will be set by the Office of

Hearing upon the filing of a Statement of Readiness for Adjudicatory Hearing as set forth in 6 NYCRR 622.9.

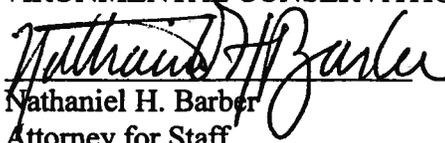
PLEASE BE FURTHER ADVISED that Respondent may appear at the hearing with or without counsel; that all witnesses will testify under oath; that a record of the proceeding will be made; that Respondent may produce witnesses and evidence in Respondent's behalf; that Respondent may request issuance of subpoenas to compel attendance of witnesses and production of records relating to this matter, and that Respondent may cross-examine witnesses and examine evidence produced against Respondent.

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DATED: February 26, 2007
Albany, New York

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

By:



Nathaniel H. Barber
Attorney for Staff

Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500
Work: (518) 402-9521
Fax: (518) 402-9019

TO: International Electron Devices (USA), LLC
C/o NYS Secretary of State
41 State Street
Albany, NY 12207
(Via Hand Delivery)

**International Electron Devices (USA), LLC
C/o Nationwide Information Services (as agent for service of process)
52 James Street, 5th Floor
Albany, NY 12207
(Via Certified Mail, Return Receipt Requested)**

**STATE OF NEW YORK:
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

In the Matter of the Alleged Violations of the Environmental Conservation Law ("ECL") of the State of New York, and Title 6 of the Official Compilation of the Codes, Rules and Regulations of the State of New York ("6 NYCRR")

by:

COMPLAINT

INTERNATIONAL ELECTRON DEVICES (USA), LLC,

**Case No.:
CO 7-20070223-11**

Respondent.

The New York State Department of Environmental Conservation (the "Department") brings this administrative proceeding pursuant to Title 27 of Article 71 of the Environmental Conservation Law ("ECL"). The Department by way of complaint against the Respondent alleges and says:

1. The Buckbee Mears Group ("Buckbee Mears") operated a facility located at 30 Kellogg Road, Cortland, NY 13045 (the "Facility") that is and at all times set forth herein was subject to Articles 27 and 40 of the ECL and the regulations promulgated thereunder.

2. Buckbee-Mears' operation of the Facility caused the generation of hazardous waste as defined in ECL 27-0901(3) and Parts 370 and 371 of 6 NYCRR.

3. Buckbee Mears was a division of BMC Industries, Inc. ("BMC"), a foreign business corporation, having offices at One Meridian Crossings, Suite 850, Minneapolis, Minnesota, 55423 until approximately October 2004.

4. International Electron Devices (USA), LLC ("Respondent") is a domestic limited liability company doing business in New York and having offices at 30 Kellogg Road, Cortland, NY 13045.

5. Respondent purchased Buckbee Mears from BMC, including the assets and liabilities of Buckbee-Mears, and including the Facility, in or about October 2004.

6. Respondent is the corporate successor of Buckbee-Mears.

7. Buckbee-Mears is a division of Respondent.

8. Respondent ceased operations at the Facility in or about May of 2005.

9. Respondent operated the Facility following Respondent's purchase of the Facility in or about 2004 until the cessation of operations in or about May of 2005.

10. Respondent currently owns and/or operates the Facility.
11. Respondent is subject to New York State laws and regulations governing hazardous waste, specifically Article 27 of the ECL and the regulations promulgated thereunder.
12. Respondent is subject to New York State laws and regulations governing the storage of hazardous substances, specifically Article 40 of the ECL and the regulations promulgated thereunder.
13. On July 27, 2006, personnel from the Department, the U.S. Environmental Protection Agency, and the Cortland Police and Fire Departments conducted an inspection of the Cortland Facility in order to: inventory the chemical materials abandoned at the facility; assess possible hazards; and identify violations of New York's hazardous waste and bulk storage laws and regulations.
14. The inspection revealed that Respondent was in violation of the following hazardous waste regulations at Parts 372 and 373 of 6 NYCRR:
 - a) 372.2(a)(8)(ii)/372-1.2(c) - The Respondent failed to ship hazardous waste to an authorized treatment storage or disposal facility within 90-days or less of the date on which Respondent began accumulating the waste. The facility ceased operation and abandoned the site leaving behind all the hazardous waste.
 - b) 372.2(a)(2) - The Respondent failed to make a determination as to whether or not a solid waste is a hazardous waste. This violation pertains to eleven 20-gallon containers of chromium trioxide, a mixing vat in the chromate mixing room, and number of abandoned process tanks.
 - c) 373-3.9(d)(3) - The Respondent failed to mark containers containing hazardous waste with the words "hazardous waste" and with other words to identify the contents of the hazardous waste storage area. This violation pertains to eleven 20-gallon containers of chromium trioxide, one 55-gallon container of methanol, and thirteen tanks containing acid and caustic waste.
 - d) 373-3.9(e) - The Respondent failed to inspect the facility's hazardous waste storage area weekly.
 - e) 373-3.9(b) - The Respondent failed to ensure that hazardous waste containers stored at the facility were in good condition. This violation pertains to several corroded 20-

gallon containers of chromium dioxide.

- f) 373-3.3(b)/373-3.3(c) - The Respondent failed to ensure that the facility was maintained and operated so as to minimize the possibility of fire or explosion, or of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

15. The inspection revealed that Respondent was in violation of the following bulk storage regulations at Parts 596, 598 and 599 of 6 NYCRR:

- a.) 598.10(b) - Respondent violated 6 NYCRR 598.10(b) by not properly closing out-of-service tanks. The inspection by Department staff of Respondent's facility on July 27, 2006 revealed that tanks at the facility have been out-of-service for more than 30 days and do not satisfy one or more of the requirements of the regulation.
- b.) 599.8(c) - Respondent violated 6 NYCRR 599.8(c) by not suitably protecting tanks at the facility that are subject to melting if exposed to fire by either location or installation of an automatic fire protection system, one that is not manually activated, or by any other method deemed acceptable by the Department. The inspection of Respondent's facility by Department staff on July 27, 2006 revealed that Respondent has not adequately protected tanks subject to melting from fire
- c.) 599.8(h) - Respondent violated 6 NYCRR 599.8(h) by not protecting tanks at the facility from explosion. The inspection of Respondent's facility by Department staff on July 27, 2006 revealed that tanks at the facility were not protected from explosion.
- d.) 599.17(b)(1) - Respondent violated 6 NYCRR 599.17(b)(1) by failing to equip tanks with an operational hazardous substance level gauge and overfill protection. The inspection of Respondent's facility on July 27, 2006 revealed that this equipment is installed but not operational.
- e.) 598.9(e) & 599.13(c)(1) - Respondent violated 6 NYCRR 598.9(e) & 599.13(c)(1) by failing to protect aboveground piping from corrosion. The inspection of Respondent's facility on July 27, 2006 revealed that the aboveground piping at this facility is not protected from corrosion as required by the regulations.
- f.) 598.6(c)(2) - Respondent violated 6 NYCRR 598.6(c)(2) by failing to equip piping with automatic line leak detectors to alert the operator to the presence of a leak.

The inspection of Respondent's facility on July 27, 2006 revealed that this equipment is installed but not operational.

g.) 599.13(c)(4) - Respondent violated 6 NYCRR 599.13(c)(4) by failing to properly label piping at the facility with either stencils, labels or plates which bear the chemical or common name for the substance stored. The inspection of Respondent's facility on July 27, 2006 revealed that piping was not properly labeled as required by the regulation.

h.) 598.5(e) - Respondent violated 598.5(e) by not employing any method of preventing spills or leaks for pumps and valves that control liquid hazardous substances. The inspection of Respondent's facility on July 27, 2006 revealed that pumps and valves at Respondent's facility had no leak prevention method in place.

i.) 596.2(f) - Respondent violated 596.2(f) by failing to maintain a registration that is current and correct. The inspection of Respondent's facility on July 27, 2006 revealed that Respondent failed to keep a current and correct registration on file with the Department.

j.) 598.1(k)(1) - Respondent violated 6 NYCRR 598.1(k)(1) by failing to prepare and maintain at the site a Spill Prevention Report ("SPR") for preventing and responding to spills, releases and accidents at the facility. The SPR should have been developed at the time of installation and updated every year thereafter. The inspection of Respondent's facility on July 27, 2006 revealed that the SPR could not be located at the site at the time of inspection.

16. ECL 71-2705 provides that any person who violates any of the provisions of, or who fails to perform any duty imposed by Titles 9, 11 and 13 of ECL Article 27 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or Order of the Commissioner made pursuant to Title 27 of ECL Article 71 shall be liable in the case of a first violation, for a civil penalty not to exceed \$37,500.00 and an additional penalty of not more than \$37,500.00 for each day during which such violation continues, to be assessed by the Commissioner after an opportunity to be heard pursuant to ECL 71-1709, or by the court in any action or proceeding pursuant to ECL 71-2727. In addition, any such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a

pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed \$75,000.00 for each such violation and an additional penalty not to exceed \$75,000.00 for each day during which such violation continues.

17. ECL 71-4303 provides that any person who violates any of the provisions of, or who fails to perform any duty imposed by Article 40 of the ECL or any rule or regulation promulgated thereunder, or any terms or conditions of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to ECL Article 40, shall be liable in the case of a first violation for a civil penalty not to exceed \$25,000.00 and an additional penalty of not more than \$25,000.00 for each day during which a violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of ECL 71-1709 or by a court in any action or proceeding pursuant to Title 43 of article 71, and, in addition thereto such person may by similar process be enjoined from continuing such violation. In addition, upon the provision of notice stating the grounds for its action and giving an opportunity for hearing, the commissioner may revoke, suspend or deny a certificate or a renewal of a certificate issued pursuant to Article 40 of the ECL. In the case of a second violation, the liability shall be for a civil penalty not to exceed \$50,000.00 for such violation and an additional penalty not to exceed \$50,000.00 for each day during which such violation continues.

WHEREFORE, the Department of Environmental Conservation respectfully requests the following relief:

- I. An Order finding the Respondent in violation of Articles 27 and 40 of the Environmental Conservation Law and implementing regulations.
- II. Requiring payment of a civil penalty in the amount of \$564,000.00.
- III. Ordering Respondent to do the following within thirty (30) days from the effective date of the Order:
 - A. Respondent shall correct the violations described herein;
 - B. Respondent shall remove and properly dispose of all hazardous waste and contaminated soil at the facility and submit disposal receipts to the Department, and
 - C. Respondent shall investigate and remediate all spills of hazardous substances

in accordance with the Department's standards and procedures.

IV. Assessing such other relief as the Commissioner may deem appropriate.

DATED: February 26, 2007
Albany, New York

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

By:



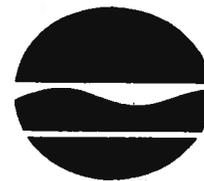
Nathaniel H. Barber
Attorney for Staff

Division of Environmental Enforcement
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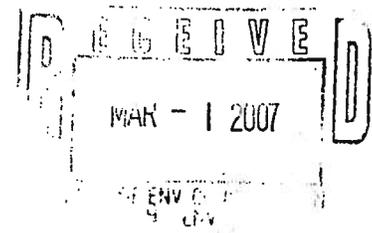
TO: International Electron Devices (USA), LLC
C/o NYS Secretary of State
41 State Street
Albany, NY 12207
(Via Hand Delivery)

International Electron Devices (USA), LLC
C/o Nationwide Information Services (as agent for service of process)
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625 Broadway, Albany, New York 12233-5500
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Website: www.dec.state.ny.us



February 26, 2007



VIA CERTIFIED MAIL, RETURN RECEIPT REQUESTED

International Electron Devices (USA), LLC
c/o Nationwide Information Services (as agent for service of process)
52 James Street, 5th Floor
Albany, NY 12207

Re: International Electron Devices (USA), LLC
RCRA Case #: CO 7-20070223-11

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Enclosures

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DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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by:**

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HEARING**

**INTERNATIONAL ELECTRON DEVICES (USA), LLC,
Respondent.**

**Case No.:
CO 7-20070223-11**

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DATED: February 26, 2007
Albany, New York

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

By: 
Nathaniel H. Barber
Attorney for Staff
Division of Environmental Enforcement
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- a.) 598.10(b) - Respondent violated 6 NYCRR 598.10(b) by not properly closing out-of-service tanks. The inspection by Department staff of Respondent's facility on July 27, 2006 revealed that tanks at the facility have been out-of-service for more than 30 days and do not satisfy one or more of the requirements of the regulation.
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h.) 598.5(e) - Respondent violated 598.5(e) by not employing any method of preventing spills or leaks for pumps and valves that control liquid hazardous substances. The inspection of Respondent's facility on July 27, 2006 revealed that pumps and valves at Respondent's facility had no leak prevention method in place.

i.) 596.2(f) - Respondent violated 596.2(f) by failing to maintain a registration that is current and correct. The inspection of Respondent's facility on July 27, 2006 revealed that Respondent failed to keep a current and correct registration on file with the Department.

j.) 598.1(k)(1) - Respondent violated 6 NYCRR 598.1(k)(1) by failing to prepare and maintain at the site a Spill Prevention Report ("SPR") for preventing and responding to spills, releases and accidents at the facility. The SPR should have been developed at the time of installation and updated every year thereafter. The inspection of Respondent's facility on July 27, 2006 revealed that the SPR could not be located at the site at the time of inspection.

16. ECL 71-2705 provides that any person who violates any of the provisions of, or who fails to perform any duty imposed by Titles 9, 11 and 13 of ECL Article 27 or any rule or regulation promulgated pursuant thereto, or any term or condition of any certificate or permit issued pursuant thereto, or any final determination or Order of the Commissioner made pursuant to Title 27 of ECL Article 71 shall be liable in the case of a first violation, for a civil penalty not to exceed \$37,500.00 and an additional penalty of not more than \$37,500.00 for each day during which such violation continues, to be assessed by the Commissioner after an opportunity to be heard pursuant to ECL 71-1709, or by the court in any action or proceeding pursuant to ECL 71-2727. In addition, any such person may by similar process be enjoined from continuing such violation and any permit or certificate issued to such person may be revoked or suspended or a

pending renewal application denied. In the case of a second and any further violation, the liability shall be for a civil penalty not to exceed \$75,000.00 for each such violation and an additional penalty not to exceed \$75,000.00 for each day during which such violation continues.

17. ECL 71-4303 provides that any person who violates any of the provisions of, or who fails to perform any duty imposed by Article 40 of the ECL or any rule or regulation promulgated thereunder, or any terms or conditions of any certificate or permit issued pursuant thereto, or any final determination or order of the commissioner made pursuant to ECL Article 40, shall be liable in the case of a first violation for a civil penalty not to exceed \$25,000.00 and an additional penalty of not more than \$25,000.00 for each day during which a violation continues, to be assessed by the commissioner after an opportunity to be heard pursuant to the provisions of ECL 71-1709 or by a court in any action or proceeding pursuant to Title 43 of article 71, and, in addition thereto such person may by similar process be enjoined from continuing such violation. In addition, upon the provision of notice stating the grounds for its action and giving an opportunity for hearing, the commissioner may revoke, suspend or deny a certificate or a renewal of a certificate issued pursuant to Article 40 of the ECL. In the case of a second violation, the liability shall be for a civil penalty not to exceed \$50,000.00 for such violation and an additional penalty not to exceed \$50,000.00 for each day during which such violation continues.

WHEREFORE, the Department of Environmental Conservation respectfully requests the following relief:

- I. An Order finding the Respondent in violation of Articles 27 and 40 of the Environmental Conservation Law and implementing regulations.
- II. Requiring payment of a civil penalty in the amount of \$564,000.00.
- III. Ordering Respondent to do the following within thirty (30) days from the effective date of the Order:
 - A. Respondent shall correct the violations described herein;
 - B. Respondent shall remove and properly dispose of all hazardous waste and contaminated soil at the facility and submit disposal receipts to the Department, and
 - C. Respondent shall investigate and remediate all spills of hazardous substances

in accordance with the Department's standards and procedures.

IV. Assessing such other relief as the Commissioner may deem appropriate.

DATED: February 26, 2007
Albany, New York

NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION

By:



Nathaniel H. Barber
Attorney for Staff
Division of Environmental Enforcement
625 Broadway, 14th Floor
Albany, NY 12233-5500
Work: (518) 402-9521
Fax: (518) 402-9019

TO: International Electron Devices (USA), LLC
C/o NYS Secretary of State
41 State Street
Albany, NY 12207
(Via Hand Delivery)

International Electron Devices (USA), LLC
C/o Nationwide Information Services (as agent for service of process)
52 James Street, 5th Floor
Albany, NY 12207
(Via Certified Mail, Return Receipt Requested)

Brian - Then file

File
Buckbee Mears



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION II
290 BROADWAY
NEW YORK, NEW YORK 10007-1866

MAR 13 2007

MAR 02 2007

Via United Parcel Service and Electronic Mail

Buckbee-Mears Company, a Division of
International Electron Devices (USA), LLC
c/o Mr. Sudheer Kr. Kaura, Managing Director
International Electron Devices, Inc.
A-208, Phase I, Okhla Industrial Area
New Delhi, India - 110022

Via Certified Mail - Return Receipt Requested

Buckbee-Mears Company, a Division of
International Electron Devices (USA), LLC
c/o Nationwide Information Services, Inc.
52 James St., 5th Floor
Albany, NY 12207

Buckbee-Mears Company, a Division of
International Electron Devices (USA), LLC
30 Kellogg Road
Cortland, NY 13045

MAR 12 2007

Please copy
Nat Barber - Albany
Tara
Kevin Kemp
Tim J.

ROTM - mJ

Re: Buckbee-Mears Co. Superfund Site, 30 Kellogg Road, Cortland, New York
Notice of Potential Liability, Demand for Costs, and Request for Information

Dear Mr. Sudheer Kr. Kaura:

The U.S. Environmental Protection Agency ("EPA") is charged with responding to the release or threatened release of hazardous substances, pollutants and contaminants into the environment and with enforcement responsibilities under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §9601, *et seq.* (also known as the "Superfund" law).

As you know, EPA has been investigating and responding to the release or threatened release of hazardous substances at the Buckbee-Mears Co. Superfund Site (the "Site"), located at 30 Kellogg Road, Cortland, Cortland County, New York. The Site was used by International Electron Devices (USA), LLC ("IED") until approximately May 2005 to manufacture high-precision components for video equipment.

In accordance with CERCLA, EPA has taken various response actions with respect to the release and threatened release of hazardous substances at the Site. These response actions include, but are not limited to, site assessment activities, the inventorying and staging of hazardous substances, sampling, Site security, arranging for off-Site disposal of certain high-hazard materials (chlorine and propane cylinders), as well as various enforcement-related activities. As a result, EPA has spent and continues to spend public funds with respect to the Site. As you are aware, IED has failed or refused to comply with EPA Administrative Order, Index No. CERCLA-02-2006-2024, which was issued by EPA on September 29, 2006 and required IED to abate the threats posed by the Site.

By letter dated January 9, 2007, EPA informed IED that EPA would be commencing the necessary work at the Site. On January 11, 2007, EPA's Removal Action Branch secured the Site and began to inventory and stage the various hazardous substances at the Site.

Notice of Potential Liability

Under CERCLA and other laws, responsible parties may be held liable for all costs incurred by the federal government in taking response actions with respect to sites where there has been a release or a threatened release of hazardous substances. Under CERCLA, parties may be held jointly, severally and strictly liable for all of EPA's response costs. Responsible parties under CERCLA include current and past owners and operators of the facility from which there has been a release or threat of release of a hazardous substance.

EPA has evaluated information obtained in connection with the Site. Based upon this information, including property records and IED's abandonment of hazardous substances at the Site, EPA believes IED is a potentially responsible party ("PRP") with respect to the Site, within the meaning of Section 107(a)(1) and (2) of CERCLA, 42 U.S.C. Section 9607(a)(1) and (2).

Demand for Costs

Under CERCLA and other laws, responsible parties may be held liable for monies expended by the federal government in taking response actions at and around sites where hazardous substances have been released, including investigative, planning, removal, remedial and enforcement actions. Responsible parties under CERCLA include, among others, the current and past owners or operators of a facility from which there has been a release or threatened release of a hazardous substance. As stated above, we believe IED is a PRP under CERCLA with regard to the Site.

Through January 31, 2007, EPA has incurred response costs relating to the Site in the amount of approximately \$17,800.00 and anticipates incurring additional response costs. EPA estimates that the removal action by EPA to address the hazardous substances abandoned at the Site will cost over \$1 million dollars.

Enclosed is a computer printout ("SCORPIOS" Report), dated February 2, 2007, that presents a breakdown of the different categories of costs paid by EPA at the Site. All of the costs incurred by EPA with respect to the Site are charged to the Hazardous Substance Superfund, established

pursuant to 26 U.S.C. § 9507 and administered by EPA.

In accordance with Section 107(a) of CERCLA, 42 U.S.C. §9607, demand is hereby made for reimbursement of \$28,800 plus any and all interest recoverable under Section 107 of CERCLA, 42 U.S.C. §9607, or any other provision of law. Pursuant to Section 107(a) of CERCLA, 42 U.S.C. § 9607(a), interest on \$28,800 will accrue from the date of this letter, and interest on all other costs will accrue from the date of expenditure.

Your payment of \$28,800 plus accrued interest must be made **within twenty-one (21) days of the date of this letter**. Your payment to EPA should be made by certified or cashier's check made payable to "EPA Hazardous Substance Superfund" and shall be sent to:

EPA Region 2
Superfund Accounting
P.O. Box 360188M
Pittsburgh, PA 15251

At the time of payment, please send notice to EPA that payment has been made. Such notice should reference the date of the payment, the Buckbee-Mears Co. Superfund Site, and the company name and address, and be sent to:

Chief, Financial Management Branch
U.S. Environmental Protection Agency, Region 2
290 Broadway, 29th Floor
New York, NY 10007-1866

as well as to Marla Wieder at the address provided below.

Within five (5) business days of your receipt of this letter, you must notify EPA in writing at the address provided below whether IED is willing to reimburse EPA for the aforementioned costs and accrued interest. If IED does not notify EPA within the time period above that it is prepared to reimburse EPA for the Site expenditures referred to herein, please be aware that the United States may commence civil litigation against IED to collect these costs plus any interest accrued thereon pursuant to Section 107(a) of CERCLA, 42 U.S.C. §9607(a).

Request for Information

Under Section 104(e) of CERCLA, 42 U.S.C. Section 9604(e), EPA has broad information-gathering authority which allows EPA to require persons to provide information or documents relating to the materials generated, treated, stored or disposed of at or transported to a facility, the nature or extent of a release or threatened release of a hazardous substance, pollutant or contaminant at or from a facility, and the ability of a person to pay for or perform a cleanup.

Pursuant to this authority, EPA asks that you provide a list of IED's current creditors, lien-holders, mortgage-holders or other persons, businesses, governments and/or entities ("creditors") that IED is indebted to (e.g., bank or lending institution, County Tax Assessor's Office, utilities, etc.). Please include the legal name and address of each creditor, the approximate amount of each indebtedness, the current status of each indebtedness (e.g.,

current, past due, etc.), and all documentation concerning each such indebtedness.

A complete and truthful response to the above Request for Information must be provided to EPA **within five (5) business days of your receipt of this letter.**

While EPA seeks your cooperation in this investigation, your compliance with our information request is required by law. Please note that false, fictitious or fraudulent statements or representations may subject you to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. §9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Please note that if after submitting your response you obtain additional or different information concerning the matters addressed by our information request, it is necessary that you promptly notify EPA.

This request for information is not subject to the approval requirements of the Paperwork Reduction Act of 1980, 44 U.S.C. Sections 3501-3520. Please note that false, fictitious or fraudulent statements or representations may subject your client to civil or criminal penalties under federal law. In addition, Section 104 of CERCLA, 42 U.S.C. §9604, authorizes EPA to pursue penalties for failure to comply with requests for information.

Your response to EPA's Demand for Costs and Request for Information should be mailed to:

Marla E. Wieder, Esq.
Office of Regional Counsel
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, New York 10007-1866
(212) 637-3104 (facsimile)
wieder.marla@epa.gov (email)

If you have any questions or comments regarding this matter, please feel free to contact Ms. Wieder at 1-212-637-3184 from 8:30am to 6:00pm (Eastern Standard Time) or via electronic mail to wieder.marla@epa.gov.

Sincerely,



Raymond Basso, Strategic Integration Manager
Emergency and Remedial Response Division

Enclosure

cc: Donald Frankel, DOJ-EES

New York State Department of Environmental Conservation
Division of Environmental Permits, Region 7
1285 Fisher Avenue, Cortland, New York 13045
Phone: (607) 753-3095 • FAX: (607) 753-8532
Website: www.dec.state.ny.us



March 24, 2005

Mr. Charles Haven
Buckbee-Mears Company
30 Kellogg Road
Cortland, NY 13045

RE: Buckbee Mears Company, A Unit of IED (USA) LLC
Air State Facility Permit
DEC ID #7-1102-00006/00079

Dear Mr. Haven:

Pursuant to a request by Tricia D'Agostino with O'Brien & Gere Engineers, the facility name on the Title V Permit issued on January 5, 2005 has been changed from Buckbee-Mears Cortland to Buckbee-Mears Company. No other changes have been made to the permit.

If you have any questions, please feel free to contact this office.

Sincerely yours,

Michael K. Barylski
Deputy Regional Permit Administrator

jwc
Encl.

cc: Tricia D'Agostino

Tom Elter

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New York State Department of Environmental Conservation
Facility DEC ID: 7110200006



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 7-1102-00006/00079
Effective Date: 01/05/2005 Expiration Date: 01/05/2010

Permit Issued To: INTERNATIONAL ELECTRON DEVICES (USA) LLC
30 KELLOGG ST
CORTLAND, NY 13045

Contact: CHARLES HAVEN
BUCKBEE-MEARS COMPANY
30 KELLOGG RD
CORTLAND, NY 13045
(607) 753-9615

Facility: BUCKBEE MEARS COMPANY
30 KELLOGG RD
CORTLAND, NY 13045

Description:

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: MICHAEL K BARYLSKI
DIVISION OF ENVIRONMENTAL PERMITS
1285 FISHER AVE
CORTLAND, NY 13045-1090

Authorized Signature:

Michael N. Bayob

Date: 03/24/05

FINAL



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

FINAL



PAGE LOCATION OF CONDITIONS

PAGE

DEC GENERAL CONDITIONS

General Provisions

- 2 Facility Inspection by the Department
 - 2 Relationship of this Permit to Other Department Orders and Determinations
 - 2 Applications for Permit Renewals and Modifications
 - 3 Permit Modifications, Suspensions and Revocations by the Department
- Facility Level**
- 3 Submission of Applications for Permit Modification or Renewal -REGION 7
SUBOFFICE



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

The permittee must submit a renewal application at least 180 days before expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for State Facility Permits.

Item 3.3:

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



Condition 4: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 4.1:

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 7
SUBOFFICE
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 7 Sub-office
Division of Environmental Permits
1285 Fisher Avenue
Cortland, NY 13045-1090
(607) 753-3095

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New York State Department of Environmental Conservation

Permit ID: 7-1102-00006/00079

Facility DEC ID: 7110200006



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: INTERNATIONAL ELECTRON DEVICES (USA) LLC
30 KELLOGG ST
CORTLAND, NY 13045

Facility: BUCKBEE MEARS COMPANY
30 KELLOGG RD
CORTLAND, NY 13045

Authorized Activity By Standard Industrial Classification Code:
3479 - METAL COATING AND ALLIED SERVICES, NEC

Permit Effective Date: 01/05/2005

Permit Expiration Date: 01/05/2010



PAGE LOCATION OF CONDITIONS

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 6 1 6NYCRR 200.7: Maintenance of Equipment
- 7 2 6NYCRR 200.7: Compliance Demonstration
- 8 3 6NYCRR 202-1: Compliance Demonstration
- 9 4 6NYCRR 212.4: Compliance Demonstration
- 10 5 6NYCRR 212.4: Compliance Demonstration
- 12 6 6NYCRR 212.4: Compliance Demonstration
- 13 7 6NYCRR 212.6(a): Compliance Demonstration
- 14 8 40CFR 68: Accidental release provisions.

Emission Unit Level

EU=0-00001

- 14 9 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 15 10 40CFR 60.48c, NSPS Subpart Dc: Compliance Demonstration

EU=0-00001,Proc=BLR,ES=BLR01

- 15 11 40CFR 60.40c, NSPS Subpart Dc: Applicability of this Subpart to this emission source

EU=0-00001,Proc=BLR,ES=BLR02

- 16 12 40CFR 60.40c, NSPS Subpart Dc: Applicability of this Subpart to this emission source

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 17 13 ECL 19-0301: Contaminant List
- 18 14 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 19 15 6NYCRR 201-5: Emission Unit Definition
- 21 16 6NYCRR 201-7: Facility Permissible Emissions
- 21 *17 6NYCRR 201-7: Capping Monitoring Condition
- 23 *18 6NYCRR 201-7: Capping Monitoring Condition
- 25 19 6NYCRR 211.2: Air pollution prohibited
- 25 20 6NYCRR 212.4: Compliance Demonstration
- 27 21 6NYCRR 212.4: Compliance Demonstration

Emission Unit Level

- 28 22 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 32 23 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



FEDERALLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

- Item A: Sealing - 6NYCRR Part 200.5**
The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.
- No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.
- Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.
- Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**
Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.
- Item C: Maintenance of Equipment - 6NYCRR Part 200.7**
Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.



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

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: Emergency Defense - 6NYCRR Part 201-1.5

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

- (a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
 - (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
 - (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
 - (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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



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

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

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures



are specified in 6NYCRR Part 202-1.

Item K: Visible Emissions Limited - 6 NYCRR Part 211.3
Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Item L: Open Fires - 6 NYCRR Part 215
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

Item M: 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 N: Federally Enforceable Requirements - 40 CFR 70.6(b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS
The following conditions are federally enforceable.

Condition 1: Maintenance of Equipment



Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 200.7

Item 1.1:

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

Condition 2: Compliance Demonstration

Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 200.7

Item 2.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Section 200.7 requires that any person who owns or operates an air contamination source shall keep the device in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications.

Not later than the 60th production day commencing on the effective date of this permit, the owner or operator shall submit to the DEC a plan for maintaining the efficiency of the control devices at the facility (the "air pollution control device operation and maintenance plan"). Such plan shall include recommended operating ranges for scrubber flow, pH and pressure drop.

Upon submission of such a plan, and continuing after DEC approval, the owner or operator shall operate the control devices in accordance with the plan.

On an annual calendar year basis, the owner or operator shall submit to the DEC a report stating whether the control devices have been operated and maintained in accordance with the DEC-approved plan.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 3: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 202-1

Item 3.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 0-00004 Emission Point: 0AS02

Emission Unit: 0-00004 Emission Point: 0AS23

Emission Unit: 0-00004 Emission Point: 0AS26

Emission Unit: 0-00004 Emission Point: 0AS13

Emission Unit: 0-00004 Emission Point: 0AS17

Emission Unit: 0-00004 Emission Point: 0AS18

Emission Unit: 0-00004 Emission Point: 0AS19

Regulated Contaminant(s):
CAS No: 0NY100-00-0 HAP

Item 3.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

Production of aperture masks involves multiple steps, including coaters (and associated dryers), developers (and associated ovens), etchers, strippers and cleaners. The operation of each device on a given production line operates in combination with all other emission sources on that line. As such, the combination of all emissions sources on a given line will be treated as a single emission source, as allowed in 6 NYCRR 200.1(f). This condition is applicable to the grouping of all emissions sources on a given line. When emissions from a storage tank are vented to a control device that also serves a production line, those emissions are included in the calculation of emission rate potential for that line.



The facility shall determine the emission rate potential of HCl and Cl₂ from the listed emission points. Not later than the 60th production day commencing on the effective date of this permit, and at any other time specified by the DEC, the owner or operator shall submit a test protocol to the DEC for approval for determining the emission rate potential of HCl and Cl₂. A production day shall be any part of a calendar day on which the facility uses raw material to make a product for sale. Within 30 days of submission of the test protocol, or at a different time period established by the DEC, the owner or operator shall conduct emissions testing to determine the emission rate potential and the actual emission rate of HCl, Cl₂ and any other pollutant designated by the DEC. Within 60 days of completion of all testing, the owner or operator shall submit to the DEC a report of such emissions, in triplicate.

Upper Permit Limit: 10 tons per year
Reference Test Method: Method 26
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 4: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 212.4

Item 4.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 0-00004 Emission Point: 0AS02

Emission Unit: 0-00004 Emission Point: 0AS23

Emission Unit: 0-00004 Emission Point: 0AS26

Emission Unit: 0-00003

Emission Unit: 0-00007

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

Item 4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING



Monitoring Description:

No person shall cause or allow emissions of solid particulates that exceed 0.05 gr/dscf of exhaust gas, expressed at standard conditions on a dry gas basis.

Compliance shall be determined through emissions testing conducted using EPA Method 5 upon written request from the DEC and according to the time frames in 6 NYCRR 202-1.

Upper Permit Limit: 0.05 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 5: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 212.4

Item 5.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 5.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of contaminants assigned an environmental rating and emission rate limits under Part 212.9.

Several emission sources at this facility emit A-rated contaminants, non-A-rated contaminants or both. Production of aperture masks involves multiple steps, including coaters (and associated dryers), developers (and associated ovens), etchers, strippers and cleaners. The operation of each device on a given production line operates in combination with all other emission sources on that line. As such, the combination of all emissions sources on a given line will be treated as a single emission source, as allowed in 6 NYCRR 200.1(f), for purposes of applicability under 6 NYCRR 212. This condition is applicable to the grouping of all emissions sources on a given line. When emissions from a storage tank are vented to a control device that also serves a production line, those emissions are included in the calculation of emission rate potential for that line. When emissions from a different production line are vented to a common stack or common control device, the total emissions from all devices emitted through such control device or stack are included (along with



emissions from other process units in a given production line) in the calculation of the emission rate potential for purposes of applicability to Part 212. This condition applies to criteria pollutants (including individual VOCs) and is federally-enforceable.

For the combination of emission sources that comprise a single production line, and for individual emissions sources (such as storage tank emissions), the following conditions apply:

1. The emission rate potential of any A-rated pollutant shall not exceed 1.0 pound per hour.
2. The emission rate potential of any B-rated pollutant, excluding pollutants that are also defined to be volatile organic compounds, shall not exceed 10.0 pounds per hour.
3. For this facility, A-rated contaminants are those contaminants listed with a "high" toxicity in the Department's most recent DAR-1 (Air Guide 1) guidance document, and any other contaminant that may be

A-rated by the Department. All other pollutants are B-rated, unless otherwise rated by the Department.

4. The following shall not have an emissions rate that results in predicted ambient concentrations in excess of the Annual Guideline Concentration or the Short term Guideline Concentration for each contaminant, as determined pursuant to DAR-1:

(A) contaminants rated A with an emission rate potential less than one pound per hour and

(B) contaminants rated B with an emission rate potential less than 10 pounds per hour.

Determination of mass emission rates will be determined using a stack emission test, conducted upon request from the DEC, according to methods promulgated by EPA, as approved by the DEC.

5. If the emissions source is equipped with an emissions control device, such device must be operated and maintained in a satisfactory state of maintenance and repair.
6. On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter, the owner or operator shall submit to the DEC a report stating whether any changes were made to the operation of these emissions sources, or the air pollution control equipment. The first report shall be due 30



days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 6: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 212.4

Item 6.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 6.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Emissions of A and B - rated contaminants - Ambient Guideline Concentration Limits

Several emission sources at this facility emit A-rated contaminants, non-A-rated contaminants or both. This condition is applicable to all such devices. This federally-enforceable condition applies to criteria pollutants.

A facility-wide ambient impact analysis must be completed using DEC approved ambient modeling procedures for all pollutants for which an environmental rating is assigned by the DEC. This analysis must show that there are no predicted off-site ambient concentrations in excess of the Annual Guideline Concentration or Short term Guideline Concentration for each contaminant. This analysis shall include all emissions of such pollutant, facility-wide, so that cumulative impacts are modeled. Not later than the 60th production day commencing on the effective date of this permit, and at any other time specified by the DEC, the owner or operator must submit to the DEC a modeling protocol for the ambient impact analysis. A production day shall be any part of a calendar day on which the facility uses raw material to make a product for sale. Within 60 days of DEC's approval of the protocol, the owner or operator shall submit to the DEC a report describing the results of ambient impact analysis.

The owner or operator must not make any changes to the stack



characteristics (height or exit velocity) that would alter dispersion characteristics unless approved by the DEC.

On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter, the owner or operator shall submit to the DEC a report stating whether any changes were made to the operation of these emissions sources, or the air pollution control equipment, that could result in increases in predicted emissions. The first report shall be due 30 days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 7: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 7.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: 0-00002

Emission Unit: 0-00003

Emission Unit: 0-00004

Emission Unit: 0-00007

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water.

Not later than the 60th production day commencing on the effective date of this permit, and at any other time specified by the DEC, the owner or operator shall conduct opacity observations in accordance



with EPA Method 9 on those emissions points designated in writing by DEC. A production day shall be any part of a calendar day on which the facility uses raw material to make a product for sale. Such testing shall be conducted in accordance with a protocol approved by the DEC following the time frames specified in 6 NYCRR 202-1.

Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 8: Accidental release provisions.
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 40CFR 68

Item 8.1:

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

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

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

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

Condition 9: Recordkeeping requirements.
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 40CFR 60.7(b), NSPS Subpart A

Item 9.1:

This Condition applies to Emission Unit: 0-00001



Item 9.2:

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

Condition 10: Compliance Demonstration

Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 40CFR 60.48c, NSPS Subpart Dc

Item 10.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001

Item 10.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. The notification shall include the design heat input capacity of the affected facility and identification of the fuels to be fired in the affected facility and the annual capacity factor at which the owner or operator anticipates operating the affected facility.

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 11: Applicability of this Subpart to this emission source

Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 40CFR 60.40c, NSPS Subpart Dc

Item 11.1:

This Condition applies to Emission Unit: 0-00001

Process: BLR

Emission Source: BLR01

Item 11.2:

New York State Department of Environmental Conservation

Permit ID: 7-1102-00006/00079

Facility DEC ID: 7110200006



This emission source is subject to the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

Condition 12: Applicability of this Subpart to this emission source
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable Federal Requirement: 40CFR 60.40c, NSPS Subpart Dc

Item 12.1:

This Condition applies to Emission Unit: 0-00001

Process: BLR

Emission Source: BLR02

Item 12.2:

This emission source is subject to the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.



STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS
The following conditions are state only enforceable.

Condition 13: Contaminant List



Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: ECL 19-0301

Item 13.1:

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

CAS No: 0NY100-00-0
Name: HAP

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

Condition 14: Unavoidable noncompliance and violations
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-1.4

Item 14.1:

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

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

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



- (c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.
- (d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.
- (e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 15: Emission Unit Definition
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-5

Item 15.1:

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

Emission Unit: 0-00001

Emission Unit Description:

TWO 16.7 MMBTU/HR AND TWO 29 MMBTU/HR NATURAL GAS-FIRED BOILERS WHICH ARE OPERATED FOR THE PURPOSES OF PROVIDING FACILITY COMFORT HEAT AND PROCESS STEAM. EMISSION UNIT 000001 INCLUDES EMISSION POINTS AE-31, AE-32, AE-37, AND AE-38.

Building(s): 1
5

Item 15.2:

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

Emission Unit: 0-00002

Emission Unit Description:

EMISSION UNIT 000002 INCLUDES COATERS, RE-COATERS, AND COATER OVENS OPERATED IN CONJUNCTION WITH APERTURE MASK PRODUCTION LINES. COATERS ARE USED TO APPLY PHOTORESIST TO STEEL WEB. EMISSION UNIT 000002 INCLUDES EMISSION POINTS AE-06, AE-10, AE-22, AE-20, AE-25, AE-28, AE-29, AND AE-15.

Building(s): 1
2



4
5

Item 15.3:

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

Emission Unit: 0-00003

Emission Unit Description:

EMISSION UNIT 000003 INCLUDES THE DEVELOPERS AND DEVELOPER OVENS OPERATED IN CONJUNCTION WITH PRODUCTION LINES 1-5. EMISSION UNIT 000003 INCLUDES THE FOLLOWING EMISSION POINTS: AE-07, AE-16, AE-11, AE-08, AE-12, AE-24, AND AE-27.

Building(s): 1
2
5

Item 15.4:

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

Emission Unit: 0-00004

Emission Unit Description:

EMISSION UNIT 000004 INCLUDES THE ETCHERS, STRIPPERS, AND CLEANERS OPERATED IN CONJUNCTION WITH PRODUCTION LINES 1-5. EMISSION UNIT 000004 ALSO CONTAINS ONE FERRIC CHLORIDE ABOVE GROUND STORAGE TANK, ONE SODIUM HYDROXIDE STORAGE TANK AND FOUR HYDROCHLORIC ACID ABOVE GROUND STORAGE TANKS. EMISSION UNIT 000004 INCLUDES THE FOLLOWING EMISSION POINTS AS-02, AS-13, AS-17, AS-18, AS-19, AS-23, AS-26, AW-01, AW-09.

Building(s): 1
2
5

Item 15.5:

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

Emission Unit: 0-00005

Emission Unit Description:

EMISSION UNIT 000005 INCLUDES THREE FERRIC CHLORIDE ABOVEGROUND STORAGE TANKS AND ONE SODIUM HYDROXIDE ABOVEGROUND STORAGE TANK. EMISSION UNIT 000005 INCLUDES EMISSION POINTS AE-33, AE-34, AND AE-35.

Building(s): 1
5

Item 15.6:

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



Emission Unit: 0-00006
Emission Unit Description:
EMISSION UNIT 000006 INCLUDES THE WASTEWATER TREATMENT
PLANT. EMISSION UNIT 000006 INCLUDES EMISSION POINT
AS-5.

Building(s): 3

Item 15.7:

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

Emission Unit: 0-00007
Emission Unit Description:
EMISSION UNIT 000007 INCLUDES THREE HOUSE VACUUM
SYSTEMS. EMISSION UNIT 000007 INCLUDES EMISSION POINTS
AE-36, AE-41, AND AE-42.

Building(s): 1
4
5

Condition 16: Facility Permissible Emissions
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-7

Item 16.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following
Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY100-00-0 PTE: 48,000 pounds per year
Name: HAP

Condition 17: Capping Monitoring Condition
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-7

Item 17.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 201-6
40CFR 63-A

Item 17.2:



Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 17.3:

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.

Item 17.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 17.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 17.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY100-00-0 HAP

Item 17.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility-wide emissions of hazardous air pollutants (HAP) shall not exceed 24.0 tons per 12 calendar month rolling period. Emissions shall be computed based on material usage, DEC-approved emission factors, and/or measured control equipment efficiencies (where applicable). Emission factors shall be based on the results of the most recent stack emissions test, as approved by DEC.

Where HAP emissions control equipment is used, the owner or operator must operate and maintain such equipment consistent with the air pollution control device operation and maintenance plan required elsewhere in this permit.

On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter, the owner or operator shall provide a certification to the DEC that the facility



has operated within the 24.0 ton/year limit for each 12 calendar month rolling period. This certification shall include a summary of the emissions that occurred for this period. The owner or operator must maintain records of emissions calculations on-site for a period of five years and make them available to representatives of the DEC upon request.

The first report shall be due 30 days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30. Additionally, if the owner or operator exceeds the rolling annual emissions limit for any period, the owner or operator shall submit to the DEC a notice of such excess emissions no later than 30 days after the last day in that annual period.

Monitoring Frequency: MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 18: Capping Monitoring Condition
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-7

Item 18.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 201-6
40CFR 63-A

Item 18.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 18.3:

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.

Item 18.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility



has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 18.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 18.6:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 0NY100-00-0 HAP

Item 18.7:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility-wide emissions of any single hazardous air pollutants (HAP) shall not exceed 9.5 tons per 12 calendar month rolling period. Emissions shall be computed based on material usage, DEC-approved emission factors and/or measured control equipment efficiencies, where applicable. Emission factors shall be based on the results of the most recent stack emissions test, as approved by the DEC.

Where HAP emissions control equipment is used, the owner or operator must operate and maintain such equipment consistent with the air pollution control device operation and maintenance plan required elsewhere in this permit.

On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter, the owner or operator shall provide a certification to the DEC that the facility has operated within the 9.5 ton/year limit for each 12 calendar month rolling period. This certification shall include a summary of the emissions that occurred for this period. The owner or operator must maintain records of emissions calculations on-site for a period of five years and make them available to representatives of the DEC upon request.

The first report shall be due 30 days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30. Additionally, if the owner or operator exceeds the rolling annual emissions limit for any period, the owner or operator shall submit to the DEC a notice of such excess emissions no later than 30 days after the last day in that



annual period.

Monitoring Frequency: MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 19: Air pollution prohibited
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 211.2

Item 19.1:

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

Condition 20: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 212.4

Item 20.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 20.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of contaminants assigned an environmental rating and emission rate limits under Part 212.9.

Several emission sources at this facility emit A-rated contaminants, non-A-rated contaminants or both. Production of aperture masks involves multiple steps, including coaters (and associated dryers), developers (and associated ovens), etchers, strippers and cleaners. The operation of each device on a given production line operates in combination with all other emission sources on that line. As such, the combination of all emissions sources on a given line will be treated as a single emission source, as allowed in 6 NYCRR 200.1(f), for purposes of applicability under 6 NYCRR 212. This condition is applicable to the grouping of all emissions sources on a given line. When emissions from a storage tank are vented to a control device that



also serves a production line, those emissions are included in the calculation of emission rate potential for that line. When emissions from a different production line are vented to a common stack or common control device, the total emissions from all devices emitted through such control device or stack are included (along with emissions from other process units in a given production line) in the calculation of the emission rate potential for purposes of applicability to Part 212. This condition applies to non-criteria pollutants and is state-enforceable.

For the combination of emission sources that comprise a single production line, and for individual emissions sources (such as storage tank emissions), the following conditions apply:

1. The emission rate potential of any A-rated pollutant shall not exceed 1.0 pound per hour.
2. The emission rate potential of any B-rated pollutant, excluding pollutants that are also defined to be volatile organic compounds, shall not exceed 10.0 pounds per hour.

For this facility, A-rated contaminants are those contaminants listed with a "high" toxicity in the Department's most recent DAR-1 (Air Guide 1) guidance document, and any other contaminant that may be A-rated by the Department. All other pollutants are B-rated, unless otherwise rated by the Department.

3. The following shall not have an emissions rate that results in predicted ambient concentrations in excess of the Annual Guideline Concentration or the Short term Guideline Concentration for each contaminant, as determined pursuant to DAR-1:

(A) contaminants rated A with an emission rate potential less than one pound per hour and

(B) contaminants rated B with an emission rate potential less than 10 pounds per hour.

Mass emission rates will be determined using a stack emission test, conducted upon request from the DEC, according to methods promulgated by EPA, as approved by the DEC.

4. If the emissions source is equipped with an emissions control device, such device must be operated and maintained in a satisfactory state of maintenance and repair.

5. On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter,



the owner or operator shall submit to the DEC a report stating whether any changes were made to the operation of these emissions sources, or the air pollution control equipment.

The first report shall be due 30 days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 21: Compliance Demonstration
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 212.4

Item 21.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of A and B - rated contaminants - Ambient Guideline Concentration Limits

Several emission sources at this facility emit A-rated contaminants, non-A-rated contaminants or both. This condition is applicable to all such devices. This state-enforceable condition applies to non-criteria pollutants.

A facility-wide ambient impact analysis must be completed using DEC approved ambient modeling procedures for all pollutants for which an environmental rating is assigned by the DEC. This analysis must show that there are no predicted off-site ambient concentrations in excess of the Annual Guideline Concentration or Short term Guideline Concentration for each contaminant. This analysis shall include all emissions of such pollutant, facility-wide, so that cumulative impacts are modeled. Not later than the 60th production day commencing on the effective date of this permit, the owner or operator must submit to the DEC a modeling protocol for the ambient impact analysis. A production day shall be any part of a calendar day on which the facility uses raw material to make a product for sale. Within 60 days of DEC's approval of the protocol, the owner or operator shall



submit to the DEC a report describing the results of ambient impact analysis.

The owner or operator must not make any changes to the stack characteristics (height or exit velocity) that would alter dispersion characteristics unless approved by the DEC.

On an annual basis, beginning one year after receipt of this permit, and on a calendar year basis ending December 31 thereafter, the owner or operator shall submit to the DEC a report stating whether any changes were made to the operation of these emissions sources, or the air pollution control equipment, that could result in increases in predicted emissions. The first report shall be due 30 days after the end of the first 12 month rolling period, commencing with the receipt of this permit. Thereafter, reports shall be due January 30.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2006.
 Subsequent reports are due every 12 calendar month(s).

**** Emission Unit Level ****

Condition 22: Emission Point Definition By Emission Unit
 Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-5

Item 22.1:

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

Emission Unit: 0-00001

Emission Point: 0AE31
 Height (ft.): 69

Diameter (in.): 24

Building: 5

Emission Point: 0AE32
 Height (ft.): 69

Diameter (in.): 24

Building: 5

Emission Point: 0AE37
 Height (ft.): 28

Diameter (in.): 24

Building: 1



Emission Point: 0AE38
 Height (ft.): 28 Diameter (in.): 24 Building: 1

Item 22.2:

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

Emission Unit: 0-00002

Emission Point: 0AE06
 Height (ft.): 33 Length (in.): 24 Width (in.): 24
 Building: 1

Emission Point: 0AE10
 Height (ft.): 40 Length (in.): 37 Width (in.): 37
 Building: 2

Emission Point: 0AE15
 Height (ft.): 22 Diameter (in.): 14
 NYTMN (km.): 4716.322 NYTME (km.): 404.931 Building: 1

Emission Point: 0AE20
 Height (ft.): 27 Diameter (in.): 6
 Building: 2

Emission Point: 0AE22
 Height (ft.): 87 Diameter (in.): 24
 Building: 4

Emission Point: 0AE25
 Height (ft.): 90 Diameter (in.): 24
 Building: 5

Emission Point: 0AE28
 Height (ft.): 68 Diameter (in.): 24
 Building: 5

Emission Point: 0AE29
 Height (ft.): 44 Diameter (in.): 12
 Building: 5

Item 22.3:

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

Emission Unit: 0-00003

Emission Point: 0AE07
 Height (ft.): 56 Length (in.): 12 Width (in.): 17



		Building: 1
Emission Point: 0AE08 Height (ft.): 51	Length (in.): 11	Width (in.): 12 Building: 1
Emission Point: 0AE11 Height (ft.): 25	Length (in.): 8	Width (in.): 9 Building: 2
Emission Point: 0AE12 Height (ft.): 27	Diameter (in.): 25	Building: 2
Emission Point: 0AE16 Height (ft.): 56	Length (in.): 9	Width (in.): 13 Building: 1
Emission Point: 0AE24 Height (ft.): 55	Diameter (in.): 42	Building: 5
Emission Point: 0AE27 Height (ft.): 90	Diameter (in.): 24	Building: 5

Item 22.4:

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

Emission Unit: 0-00004		
Emission Point: 0AS02 Height (ft.): 45	Length (in.): 54	Width (in.): 36 Building: 1
Emission Point: 0AS13 Height (ft.): 41	Diameter (in.): 26	Building: 2
Emission Point: 0AS17 Height (ft.): 41	Diameter (in.): 26	Building: 2
Emission Point: 0AS18 Height (ft.): 44	Diameter (in.): 24	Building: 2
Emission Point: 0AS19		



Height (ft.): 44	Diameter (in.): 20	Building: 2
Emission Point: 0AS23 Height (ft.): 76	Diameter (in.): 48	Building: 5
Emission Point: 0AS26 Height (ft.): 45	Diameter (in.): 48	Building: 5
Emission Point: 0AW01 Height (ft.): 34	Diameter (in.): 36	Building: 1
Emission Point: 0AW09 Height (ft.): 41	Diameter (in.): 26	Building: 2

Item 22.5:

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

Emission Unit: 0-00005		
Emission Point: 0AE33 Height (ft.): 24	Diameter (in.): 4	Building: 5
Emission Point: 0AE34 Height (ft.): 21	Diameter (in.): 4	Building: 5
Emission Point: 0AE35 Height (ft.): 21	Diameter (in.): 4	Building: 5

Item 22.6:

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

Emission Unit: 0-00006		
Emission Point: 0AS05 Height (ft.): 39	Diameter (in.): 16	Building: 3

Item 22.7:

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



Emission Unit: 0-00007

Emission Point: 0AE36
Height (ft.): 40

Diameter (in.): 12

Building: 5

Emission Point: 0AE41
Height (ft.): 30

Diameter (in.): 5

Building: 1

Emission Point: 0AE42
Height (ft.): 24

Diameter (in.): 6

Building: 4

Condition 23: Process Definition By Emission Unit
Effective between the dates of 01/05/2005 and 01/05/2010

Applicable State Requirement: 6NYCRR 201-5

Item 23.1:

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

Emission Unit: 0-00001

Process: BLR

Process Description:

TWO 16.7 MMBTU/HR AND TWO 29 MMBTU/HR GAS-FIRED BOILERS USED TO PROVIDE FACILITY COMFORT HEAT AS WELL AS PROCESS HEAT TO THE APERTURE MASK PRODUCTION LINES. EMISSION UNIT 000001 INCLUDES EMISSION POINTS AE-31, AE-32, AE-37 AND AE-38.

Emission Source/Control: BLR01 - Combustion

Emission Source/Control: BLR02 - Combustion

Emission Source/Control: BLR03 - Combustion

Emission Source/Control: BLR04 - Combustion

Item 23.2:

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

Emission Unit: 0-00002

Process: CTR

Process Description:

COATERS USED TO APPLY PHOTORESIST TO STEEL WEB. INCLUDES EIGHT COATERS OR RE-COATERS OVENS WHICH CORRESPOND TO THE FOLLOWING EMISSION POINTS: AE-06,



AE-22, AE-10, AE-25, AE-28, AE-29, AE-15, AE20.

- Emission Source/Control: CTR01 - Process
- Emission Source/Control: CTR02 - Process
- Emission Source/Control: CTR03 - Process
- Emission Source/Control: CTR04 - Process
- Emission Source/Control: CTR05 - Process
- Emission Source/Control: CTR3R - Process
- Emission Source/Control: CTR5R - Process
- Emission Source/Control: CTRCC - Process

Item 23.3:

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

Emission Unit: 0-00003

Process: DVP

Process Description:

DEVELOPERS AND DEVELOPER OVENS ASSOCIATED WITH APERTURE MASK PRODUCTION LINES 1-5. EMISSION UNIT 000003 INCLUDES EMISSION POINTS AE-07, AE-16, AE-08, AE-11, AE-12, AE-24 AND AE-27.

Emission Source/Control: MDVP1 - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: MDVP2 - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: MDVP3 - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: MDVP4 - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: MDVP5 - Control
Control Type: MIST ELIMINATOR

Emission Source/Control: DVO03 - Process

Emission Source/Control: DVO04 - Process



- Emission Source/Control: DVO05 - Process
- Emission Source/Control: DVO12 - Process
- Emission Source/Control: DVP01 - Process
- Emission Source/Control: DVP02 - Process
- Emission Source/Control: DVP03 - Process
- Emission Source/Control: DVP04 - Process
- Emission Source/Control: DVP05 - Process

Item 23.4:

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

Emission Unit: 0-00004

Process: ESC

Process Description:

ETCHERS, STRIPPERS, CLEANERS, AND CHEMICAL BULK STORAGE TANKS ASSOCIATED WITH APERTURE MASK PRODUCTION LINES 1-5. EMISSION UNIT 000004 INCLUDES EMISSION POINTS AS-02, AS-13, AS-17, AS-18, AS-19, AS-23, AS-26, AW-01, AND AW-09.

Emission Source/Control: SCR02 - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR04 - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR05 - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR1C - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR3A - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR3B - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCR3C - Control
Control Type: WET SCRUBBER

Emission Source/Control: SCS3A - Control



Control Type: WET SCRUBBER

Emission Source/Control: SCS3B - Control
Control Type: WET SCRUBBER

Emission Source/Control: CLML2 - Process

Emission Source/Control: CLN03 - Process

Emission Source/Control: CLN05 - Process

Emission Source/Control: CLNML - Process

Emission Source/Control: ETC01 - Process

Emission Source/Control: ETC02 - Process

Emission Source/Control: ETC04 - Process

Emission Source/Control: ETC3A - Process

Emission Source/Control: ETC3B - Process

Emission Source/Control: ETC5A - Process

Emission Source/Control: ETC5B - Process

Emission Source/Control: STR01 - Process

Emission Source/Control: STR02 - Process

Emission Source/Control: STR04 - Process

Emission Source/Control: STR05 - Process

Emission Source/Control: STR3A - Process

Emission Source/Control: STR3B - Process

Emission Source/Control: TNKF4 - Process

Emission Source/Control: TNKS2 - Process

Item 23.5:

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

Emission Unit: 0-00004
Process: STN



Process Description:

medical stent production: chemical cleaning, coating, laser imaging, developing, pumice scrub, chemical etching, stripping, electropolish.

Emission Source/Control: STCLN - Process

Emission Source/Control: STCTR - Process

Emission Source/Control: STDVL - Process

Emission Source/Control: STELC - Process

Emission Source/Control: STETC - Process

Emission Source/Control: STIMG - Process

Emission Source/Control: STPUM - Process

Emission Source/Control: STSTR - Process

Item 23.6:

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

Emission Unit: 0-00005

Process: TNK

Process Description:

EMISSIONS RESULTING FROM ABOVEGROUND FERRIC CHLORIDE AND SODIUM HYDROXIDE TANKS. EMISSION UNIT 000005 INCLUDES EMISSION POINTS AE-33, AE-34, AND AE-35.

Emission Source/Control: TNKF1 - Process

Emission Source/Control: TNKF2 - Process

Emission Source/Control: TNKF3 - Process

Emission Source/Control: TNKS1 - Process

Item 23.7:

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

Emission Unit: 0-00006

Process: WWT

Process Description:

EMISSIONS RESULTING FROM THE OPERATION OF THE FACILITY'S WASTEWATER TREATMENT PLANT. THIS PLANT TREATS PROCESS WASTEWATER RESULTING FROM THE APERTURE MASK PRODUCTION OPERATIONS. EMISSION UNIT 000006



INCLUDES EMISSION POINT AS-05.

Emission Source/Control: SCWTP - Control
Control Type: SPRAY TOWER

Emission Source/Control: WWTP1 - Process

Item 23.8:

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

Emission Unit: 0-00007

Process: HVS

Process Description:

EMISSIONS RESULTING FROM THE OPERATION OF THREE HOUSE
VACUUM SYSTEMS USED FOR MANUFACTURING CLEANING.
EMISSION UNIT 000007 INCLUDES EMISSION POINTS AE-36,
AE-41, AND AE-42.

Emission Source/Control: HVS01 - Process

Emission Source/Control: HVS02 - Process

Emission Source/Control: HVS03 - Process

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Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Cond Regulated Contaminant

Num Process Material

Activity Type
Reporting Frequency
Monitoring Frequency
Averaging Method

Lower Limit Upper Limit

Units

2

SECTION 200.7 REQUIRES THAT ANY PERSON WHO OWNS OR OPERATES AN AIR CONTAMINATION SOURCE SHALL KEEP THE DEVICE IN A SATISFACTORY STATE OF MAINTENANCE AND REPAIR IN ACCORDANCE WITH ORDINARY AND NECESSARY PRACTICES, STANDARDS AND PROCEDURES, INCLUSIVE OF MANUFACTURER'S SPECIFICATIONS.

NOT LATER THAN THE 60TH PRODUCTION DAY COMMENCING ON THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A PLAN FOR MAINTAINING THE EFFICIENCY OF THE CONTROL DEVICES AT THE FACILITY (THE "AIR POLLUTION CONTROL DEVICE OPERATION AND MAINTENANCE PLAN"). SUCH PLAN SHALL INCLUDE RECOMMENDED OPERATING RANGES FOR SCRUBBER FLOW, PH AND PRESSURE DROP.

UPON SUBMISSION OF SUCH A PLAN, AND CONTINUING AFTER DEC APPROVAL, THE OWNER OR OPERATOR SHALL OPERATE THE CONTROL DEVICES IN ACCORDANCE WITH THE PLAN.

ON AN ANNUAL CALENDAR YEAR BASIS, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT STATING WHETHER THE CONTROL DEVICES HAVE BEEN OPERATED AND MAINTAINED IN ACCORDANCE WITH THE DEC-APPROVED PLAN.

□

RECORD KEEPING/MAINTENANCE PROCEDURES

ANNUALLY (CALENDAR)

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 711020006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Cond Num	Monitored Parameter	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type			
							Reporting Frequency	Monitoring Frequency	Averaging Method	
4	****	PARTICULATES	****			grains per dscf	INTERMITTENT EMISSION TESTING			
		NO PERSON SHALL CAUSE OR ALLOW EMISSIONS OF SOLID PARTICULATES THAT EXCEED 0.05 GR/DSCF OF EXHAUST GAS, EXPRESSED AT STANDARD CONDITIONS ON A DRY GAS BASIS.					0.05	ONCE / BATCH OR MONITORING OCCURRENCE		
		COMPLIANCE SHALL BE DETERMINED THROUGH EMISSIONS TESTING CONDUCTED USING EPA METHOD 5 UPON WRITTEN REQUEST FROM THE DEC AND ACCORDING TO THE TIME FRAMES IN 6 NYCRR 202-1.						AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION		
		Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring: EU: 0-00004/EP: 0AS02 EU: 0-00004/EP: 0AS23 EU: 0-00004/EP: 0AS26 EU: 0-00003 EU: 0-00007						AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED		

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Conc Num	Monitored Parameter	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type
							Reporting Frequency

RECORD KEEPING/MAINTENANCE PROCEDURES

ANNUALLY (CALENDAR)

EMISSIONS OF CONTAMINANTS ASSIGNED AN ENVIRONMENTAL RATING AND EMISSION RATE LIMITS UNDER PART 212.9.

SEVERAL EMISSION SOURCES AT THIS FACILITY EMIT A-RATED CONTAMINANTS, NON-A-RATED CONTAMINANTS OR BOTH. PRODUCTION OF APERTURE MASKS INVOLVES MULTIPLE STEPS, INCLUDING COATERS (AND ASSOCIATED DRYERS), DEVELOPERS (AND ASSOCIATED OVENS), ETCHERS, STRIPPERS AND CLEANERS. THE OPERATION OF EACH DEVICE ON A GIVEN PRODUCTION LINE OPERATES IN COMBINATION WITH ALL OTHER EMISSION SOURCES ON THAT LINE. AS SUCH, THE COMBINATION OF ALL EMISSIONS SOURCES ON A GIVEN LINE WILL BE TREATED AS A SINGLE EMISSION SOURCE, AS ALLOWED IN 6 NYCRR 200.1(F), FOR PURPOSES OF APPLICABILITY UNDER 6 NYCRR 212. THIS CONDITION IS APPLICABLE TO THE GROUPING OF ALL EMISSIONS SOURCES ON A GIVEN LINE. WHEN EMISSIONS FROM A STORAGE TANK ARE VENTED TO A CONTROL DEVICE THAT ALSO SERVES A PRODUCTION LINE, THOSE EMISSIONS ARE INCLUDED IN THE CALCULATION OF EMISSION RATE POTENTIAL FOR THAT LINE. WHEN EMISSIONS FROM ALL DIFFERENT PRODUCTION LINE ARE VENTED TO A COMMON STACK OR COMMON CONTROL DEVICE, THE TOTAL EMISSIONS FROM ALL DEVICES EMITTED THROUGH SUCH CONTROL DEVICE OR STACK ARE INCLUDED (ALONG WITH EMISSIONS FROM OTHER PROCESS UNITS IN A GIVEN PRODUCTION LINE) IN THE CALCULATION OF THE EMISSION RATE POTENTIAL FOR PURPOSES OF APPLICABILITY TO PART 212. THIS CONDITION APPLIES TO CRITERIA POLLUTANTS (INCLUDING INDIVIDUAL VOCs) AND IS FEDERALLY-ENFORCEABLE.

FOR THE COMBINATION OF EMISSION SOURCES THAT COMPRISE A SINGLE PRODUCTION LINE, AND FOR INDIVIDUAL EMISSIONS SOURCES (SUCH AS STORAGE TANK EMISSIONS), THE FOLLOWING CONDITIONS APPLY:

1. THE EMISSION RATE POTENTIAL OF ANY A-RATED POLLUTANT SHALL NOT EXCEED 1.0 POUND PER HOUR.
2. THE EMISSION RATE POTENTIAL OF ANY B-RATED POLLUTANT, EXCLUDING POLLUTANTS THAT ARE ALSO DEFINED TO BE VOLATILE ORGANIC COMPOUNDS, SHALL NOT EXCEED 10.0 POUNDS PER HOUR.
3. FOR THIS FACILITY, A-RATED CONTAMINANTS ARE THOSE CONTAMINANTS LISTED WITH A "HIGH" TOXICITY IN THE DEPARTMENT'S MOST RECENT DAR-1 (AIR GUIDE 1) GUIDANCE DOCUMENT, AND ANY OTHER CONTAMINANT THAT MAY BE A-RATED BY THE DEPARTMENT. ALL OTHER POLLUTANTS ARE B-RATED, UNLESS OTHERWISE RATED BY THE DEPARTMENT.
4. THE FOLLOWING SHALL NOT HAVE AN EMISSIONS RATE THAT RESULTS IN PREDICTED AMBIENT CONCENTRATIONS IN EXCESS OF THE ANNUAL GUIDELINE CONCENTRATION OR THE SHORT TERM GUIDELINE CONCENTRATION FOR EACH CONTAMINANT, AS DETERMINED PURSUANT TO DAR-1:
 - (A) CONTAMINANTS RATED A WITH AN EMISSION RATE POTENTIAL LESS THAN ONE POUND PER HOUR AND
 - (B) CONTAMINANTS RATED B WITH AN EMISSION RATE POTENTIAL LESS THAN 10 POUNDS PER HOUR.

**** No Data

A4

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY
 Location 30 KELLOGG RD CORTLAND, NY 13045
 Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit Upper Limit

Units

DETERMINATION OF MASS EMISSION RATES WILL BE DETERMINED USING A STACK EMISSION TEST, CONDUCTED UPON REQUEST FROM THE DEC, ACCORDING TO METHODS PROMULGATED BY EPA, AS APPROVED BY THE DEC.

5. IF THE EMISSIONS SOURCE IS EQUIPPED WITH AN EMISSIONS CONTROL DEVICE, SUCH DEVICE MUST BE OPERATED AND MAINTAINED IN A SATISFACTORY STATE OF MAINTENANCE AND REPAIR.
6. ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT STATING WHETHER ANY CHANGES

RECORD KEEPING/MAINTENANCE PROCEDURES
 ONCE / BATCH OR MONITORING OCCURRENCE
 AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

EMISSIONS OF A AND B - RATED CONTAMINANTS - AMBIENT GUIDELINE CONCENTRATION LIMITS

SEVERAL EMISSION SOURCES AT THIS FACILITY EMIT A-RATED CONTAMINANTS, NON-A-RATED CONTAMINANTS OR BOTH. THIS CONDITION IS APPLICABLE TO ALL SUCH DEVICES. THIS FEDERALLY-ENFORCEABLE CONDITION APPLIES TO CRITERIA POLLUTANTS.

A FACILITY-WIDE AMBIENT IMPACT ANALYSIS MUST BE COMPLETED USING DEC APPROVED AMBIENT MODELING PROCEDURES FOR ALL POLLUTANTS FOR WHICH AN ENVIRONMENTAL RATING IS ASSIGNED BY THE DEC. THIS ANALYSIS MUST SHOW THAT THERE ARE NO PREDICTED OFF-SITE AMBIENT CONCENTRATIONS IN EXCESS OF THE ANNUAL GUIDELINE CONCENTRATION OR SHORT TERM GUIDELINE CONCENTRATION FOR EACH CONTAMINANT. THIS ANALYSIS SHALL INCLUDE ALL EMISSIONS OF SUCH POLLUTANT, FACILITY-WIDE, SO THAT CUMULATIVE IMPACTS ARE MODELED. NOT LATER THAN THE 60TH PRODUCTION DAY COMMENCING ON THE EFFECTIVE DATE OF THIS PERMIT, AND AT ANY OTHER TIME SPECIFIED BY THE DEC, THE OWNER OR OPERATOR MUST SUBMIT TO THE DEC A MODELING PROTOCOL FOR THE AMBIENT IMPACT ANALYSIS. A PRODUCTION DAY SHALL BE ANY PART OF A CALENDAR DAY ON WHICH THE FACILITY USES RAW MATERIAL TO MAKE A PRODUCT FOR SALE. WITHIN 60 DAYS OF DEC'S APPROVAL OF THE PROTOCOL, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT DESCRIBING THE RESULTS OF AMBIENT IMPACT ANALYSIS.

THE OWNER OR OPERATOR MUST NOT MAKE ANY CHANGES TO THE STACK CHARACTERISTICS (HEIGHT OR EXIT VELOCITY) THAT WOULD ALTER DISPERSION CHARACTERISTICS UNLESS APPROVED BY THE DEC.

ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT STATING WHETHER ANY CHANGES WERE MADE TO THE OPERATION OF THESE EMISSIONS SOURCES, OR THE AIR POLLUTION CONTROL EQUIPMENT, THAT COULD RESULT IN INCREASES IN PREDICTED EMISSIONS. THE FIRST REPORT SHALL BE DUE 30 DAYS AFTER THE END OF THE FIRST 12 MONTH ROLLING PERIOD, COMMENCING WITH THE RECEIPT OF THIS PERMIT. THEREAFTER, REPORTS SHALL BE DUE JANUARY 30.

Summary of Compliance Requirements
 *** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS.
 READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 711020006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
 Reporting Frequency
 Monitoring Frequency
 Averaging Method

Lower Limit

Units

Upper Limit

 PARTICULATES

 percent
 20
 INTERMITTENT EMISSION TESTING
 ONCE / BATCH OR MONITORING OCCURRENCE
 AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
 6-MINUTE AVERAGE (METHOD 9)

NO PERSON SHALL CAUSE OR ALLOW EMISSIONS HAVING AN AVERAGE OPACITY DURING ANY SIX CONSECUTIVE MINUTES OF 20 PERCENT OR GREATER FROM ANY PROCESS EMISSION SOURCE, EXCEPT ONLY THE EMISSION OF UNCOMBINED WATER.

NOT LATER THAN THE 60TH PRODUCTION DAY COMMENCING ON THE EFFECTIVE DATE OF THIS PERMIT, AND AT ANY OTHER TIME SPECIFIED BY THE DEC, THE OWNER OR OPERATOR SHALL CONDUCT OPACITY OBSERVATIONS IN ACCORDANCE WITH EPA METHOD 9 ON THOSE EMISSIONS POINTS DESIGNATED IN WRITING BY DEC. A PRODUCTION DAY SHALL BE ANY PART OF A CALENDAR DAY ON WHICH THE FACILITY USES RAW MATERIAL TO MAKE A PRODUCT FOR SALE. SUCH TESTING SHALL BE CONDUCTED IN ACCORDANCE WITH A PROTOCOL APPROVED BY THE DEC FOLLOWING THE TIME FRAMES SPECIFIED IN 6 NYCRR 202-1.

Following Emission unit(EU), Emission point(EP), Process(PROC), Emission Source(ES) apply to this monitoring:

- EU: 0-00002
- EU: 0-00003
- EU: 0-00004
- EU: 0-00007

Summary of Compliance Requirements

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DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Cond Regulated Contaminant

Num Process Material

Activity Type
Reporting Frequency
Monitoring Frequency
Averaging Method

Lower Limit Upper Limit

Units

mission Unit: 0-00001

10 ****

THE OWNER OR OPERATOR OF EACH AFFECTED FACILITY SHALL SUBMIT NOTIFICATION OF THE DATE OF CONSTRUCTION OR RECONSTRUCTION, ANTICIPATED STARTUP, AND ACTUAL STARTUP, AS PROVIDED BY 40 CFR 60.7 OF THIS PART. THE NOTIFICATION SHALL INCLUDE THE DESIGN HEAT INPUT CAPACITY OF THE AFFECTED FACILITY AND IDENTIFICATION OF THE FUELS TO BE FIRED IN THE AFFECTED FACILITY AND THE ANNUAL CAPACITY FACTOR AT WHICH THE OWNER OR OPERATOR ANTICIPATES OPERATING THE AFFECTED FACILITY.

THE OWNER OR OPERATOR OF EACH AFFECTED FACILITY SHALL RECORD AND MAINTAIN RECORDS OF THE AMOUNTS OF EACH FUEL COMBUSTED DURING EACH DAY.

RECORD KEEPING/MAINTENANCE PROCEDURES

ONCE / BATCH OR MONITORING OCCURRENCE

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

**** No Data

A7

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
Reporting Frequency
Monitoring Frequency
Averaging Method

Lower Limit Upper Limit

Units

7

HAP

FACILITY-WIDE EMISSIONS OF HAZARDOUS AIR POLLUTANTS (HAP) SHALL NOT EXCEED 24.0 TONS PER 12 CALENDAR MONTH ROLLING PERIOD. EMISSIONS SHALL BE COMPUTED BASED ON MATERIAL USAGE, DEC-APPROVED EMISSION FACTORS, AND/OR MEASURED CONTROL EQUIPMENT EFFICIENCIES (WHERE APPLICABLE). EMISSION FACTORS SHALL BE BASED ON THE RESULTS OF THE MOST RECENT STACK EMISSIONS TEST, AS APPROVED BY DEC.

WHERE HAP EMISSIONS CONTROL EQUIPMENT IS USED, THE OWNER OR OPERATOR MUST OPERATE AND MAINTAIN SUCH EQUIPMENT CONSISTENT WITH THE AIR POLLUTION CONTROL DEVICE OPERATION AND MAINTENANCE PLAN REQUIRED ELSEWHERE IN THIS PERMIT.

ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL PROVIDE A CERTIFICATION TO THE DEC THAT THE FACILITY HAS OPERATED WITHIN THE 24.0 TON/YEAR LIMIT FOR EACH 12 CALENDAR MONTH ROLLING PERIOD. THIS CERTIFICATION SHALL INCLUDE A SUMMARY OF THE EMISSIONS THAT OCCURRED FOR THIS PERIOD. THE OWNER OR OPERATOR MUST MAINTAIN RECORDS OF EMISSIONS CALCULATIONS ON-SITE FOR A PERIOD OF FIVE YEARS AND MAKE THEM AVAILABLE TO REPRESENTATIVES OF THE DEC UPON REQUEST.

THE FIRST REPORT SHALL BE DUE 30 DAYS AFTER THE END OF THE FIRST 12 MONTH ROLLING PERIOD, COMMENCING WITH THE RECEIPT OF THIS PERMIT. THEREAFTER, REPORTS SHALL BE DUE JANUARY 30. ADDITIONALLY, IF THE OWNER OR OPERATOR EXCEEDS THE ROLLING ANNUAL EMISSIONS LIMIT FOR ANY PERIOD, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A NOTICE OF SUCH EXCESS EMISSIONS NO LATER THAN 30 DAYS AFTER THE LAST DAY IN THAT ANNUAL PERIOD.

RECORD KEEPING/MAINTENANCE PROCEDURES

ANNUALLY (CALENDAR)

MONTHLY

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Monitored Parameter

Regulated Contaminant

Process Material

Activity Type
Reporting Frequency
Monitoring Frequency
Averaging Method

Lower Limit Upper Limit

Units

Cond Num	Process Material	Lower Limit	Upper Limit	Units	Activity Type	Reporting Frequency	Monitoring Frequency	Averaging Method
18								
CAP								

FACILITY-WIDE EMISSIONS OF ANY SINGLE HAZARDOUS AIR POLLUTANTS (HAP) SHALL NOT EXCEED 9.5 TONS PER 12 CALENDAR MONTH ROLLING PERIOD. EMISSIONS SHALL BE COMPUTED BASED ON MATERIAL USAGE, DEC-APPROVED EMISSION FACTORS AND/OR MEASURED CONTROL EQUIPMENT EFFICIENCIES, WHERE APPLICABLE. EMISSION FACTORS SHALL BE BASED ON THE RESULTS OF THE MOST RECENT STACK EMISSIONS TEST, AS APPROVED BY THE DEC.

WHERE HAP EMISSIONS CONTROL EQUIPMENT IS USED, THE OWNER OR OPERATOR MUST OPERATE AND MAINTAIN SUCH EQUIPMENT CONSISTENT WITH THE AIR POLLUTION CONTROL DEVICE OPERATION AND MAINTENANCE PLAN REQUIRED ELSEWHERE IN THIS PERMIT.

ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL PROVIDE A CERTIFICATION TO THE DEC THAT THE FACILITY HAS OPERATED WITHIN THE 9.5 TONYEAR LIMIT FOR EACH 12 CALENDAR MONTH ROLLING PERIOD. THIS CERTIFICATION SHALL INCLUDE A SUMMARY OF THE EMISSIONS THAT OCCURRED FOR THIS PERIOD. THE OWNER OR OPERATOR MUST MAINTAIN RECORDS OF EMISSIONS CALCULATIONS ON-SITE FOR A PERIOD OF FIVE YEARS AND MAKE THEM AVAILABLE TO REPRESENTATIVES OF THE DEC UPON REQUEST.

THE FIRST REPORT SHALL BE DUE 30 DAYS AFTER THE END OF THE FIRST 12 MONTH ROLLING PERIOD, COMMENCING WITH THE RECEIPT OF THIS PERMIT. THEREAFTER, REPORTS SHALL BE DUE JANUARY 30. ADDITIONALLY, IF THE OWNER OR OPERATOR EXCEEDS THE ROLLING ANNUAL EMISSIONS LIMIT FOR ANY PERIOD, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A NOTICE OF SUCH EXCESS EMISSIONS NO LATER THAN 30 DAYS AFTER THE LAST DAY IN THAT ANNUAL PERIOD.

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 711020006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Cond Num	Monitored Parameter	Regulated Contaminant	Process Material	Lower Limit	Upper Limit	Units	Activity Type
							Reporting Frequency

RECORD KEEPING/MAINTENANCE PROCEDURES

ANNUALLY (CALENDAR)

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

EMISSIONS OF CONTAMINANTS ASSIGNED AN ENVIRONMENTAL RATING AND EMISSION RATE LIMITS UNDER PART 212.9.

SEVERAL EMISSION SOURCES AT THIS FACILITY EMIT A-RATED CONTAMINANTS, NON-A-RATED CONTAMINANTS OR BOTH. PRODUCTION OF APETURE MASKS INVOLVES MULTIPLE STEPS, INCLUDING COATERS (AND ASSOCIATED DRYERS), DEVELOPERS (AND ASSOCIATED OVENS), ETCHERS, STRIPPERS AND CLEANERS. THE OPERATION OF EACH DEVICE ON A GIVEN PRODUCTION LINE OPERATES IN COMBINATION WITH ALL OTHER EMISSION SOURCES ON THAT LINE. AS SUCH, THE COMBINATION OF ALL EMISSION SOURCES ON A GIVEN LINE WILL BE TREATED AS A SINGLE EMISSION SOURCE, AS ALLOWED IN 6 NYCRR 200.1(F), FOR PURPOSES OF APPLICABILITY UNDER 6 NYCRR 212. THIS CONDITION IS APPLICABLE TO THE GROUPING OF ALL EMISSIONS SOURCES ON A GIVEN LINE. WHEN EMISSIONS FROM A STORAGE TANK ARE VENTED TO A CONTROL DEVICE THAT ALSO SERVES A PRODUCTION LINE, THOSE EMISSIONS ARE INCLUDED IN THE CALCULATION OF EMISSION RATE POTENTIAL FOR THAT LINE. WHEN EMISSIONS FROM ALL DIFFERENT PRODUCTION LINE ARE VENTED TO A COMMON STACK OR COMMON CONTROL DEVICE, THE TOTAL EMISSIONS FROM ALL DEVICES EMITTED THROUGH SUCH CONTROL DEVICE OR STACK ARE INCLUDED (ALONG WITH EMISSIONS FROM OTHER PROCESS UNITS IN A GIVEN PRODUCTION LINE) IN THE CALCULATION OF THE EMISSION RATE POTENTIAL FOR PURPOSES OF APPLICABILITY TO PART 212. THIS CONDITION APPLIES TO NON-CRITERIA POLLUTANTS AND IS STATE-ENFORCEABLE.

FOR THE COMBINATION OF EMISSION SOURCES THAT COMPRISE A SINGLE PRODUCTION LINE, AND FOR INDIVIDUAL EMISSIONS SOURCES (SUCH AS STORAGE TANK EMISSIONS), THE FOLLOWING CONDITIONS APPLY:

- 1. THE EMISSION RATE POTENTIAL OF ANY A-RATED POLLUTANT SHALL NOT EXCEED 1.0 POUND PER HOUR.
- 2. THE EMISSION RATE POTENTIAL OF ANY B-RATED POLLUTANT, EXCLUDING POLLUTANTS THAT ARE ALSO DEFINED TO BE VOLATILE ORGANIC COMPOUNDS, SHALL NOT EXCEED 10.0 POUNDS PER HOUR.

FOR THIS FACILITY, A-RATED CONTAMINANTS ARE THOSE CONTAMINANTS LISTED WITH A "HIGH" TOXICITY IN THE DEPARTMENT'S MOST RECENT DAR-1 (AIR GUIDE 1) GUIDANCE DOCUMENT, AND ANY OTHER CONTAMINANT THAT MAY BE A-RATED BY THE DEPARTMENT. ALL OTHER POLLUTANTS ARE B-RATED, UNLESS OTHERWISE RATED BY THE DEPARTMENT.

- 3. THE FOLLOWING SHALL NOT HAVE AN EMISSIONS RATE THAT RESULTS IN PREDICTED AMBIENT CONCENTRATIONS IN EXCESS OF THE ANNUAL GUIDELINE CONCENTRATION OR THE SHORT TERM GUIDELINE CONCENTRATION FOR EACH CONTAMINANT, AS DETERMINED PURSUANT TO DAR-1:

(A) CONTAMINANTS RATED A WITH AN EMISSION RATE POTENTIAL LESS THAN ONE POUND PER HOUR AND

(B) CONTAMINANTS RATED B WITH AN EMISSION RATE POTENTIAL LESS THAN 10 POUNDS PER HOUR.

**** No Data

A10

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF THE MONITORING REQUIREMENTS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 711020006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Compliance Assurance Monitoring

Cond Num	Monitored Parameter	Lower Limit	Upper Limit	Units	Activity Type
					Reporting Frequency
	Regulated Contaminant				
	Process Material				

MASS EMISSION RATES WILL BE DETERMINED USING A STACK EMISSION TEST, CONDUCTED UPON REQUEST FROM THE DEC, ACCORDING TO METHODS PROMULGATED BY EPA, AS APPROVED BY THE DEC.

- IF THE EMISSIONS SOURCE IS EQUIPPED WITH AN EMISSIONS CONTROL DEVICE, SUCH DEVICE MUST BE OPERATED AND MAINTAINED IN A SATISFACTORY STATE OF MAINTENANCE AND REPAIR.
- ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT STATING WHETHER ANY CHANGES WERE MADE TO THE OPERATION OF THESE EMISSIONS SOURCES, OR THE AIR POLLUTION CONTROL EQUIPMENT.

21

EMISSIONS OF A AND B - RATED CONTAMINANTS - AMBIENT GUIDELINE CONCENTRATION LIMITS

SEVERAL EMISSION SOURCES AT THIS FACILITY EMIT A-RATED CONTAMINANTS, NON-A-RATED CONTAMINANTS OR BOTH. THIS CONDITION IS APPLICABLE TO ALL SUCH DEVICES. THIS STATE-ENFORCEABLE CONDITION APPLIES TO NON-CRITERIA POLLUTANTS.

A FACILITY-WIDE AMBIENT IMPACT ANALYSIS MUST BE COMPLETED USING DEC APPROVED AMBIENT MODELING PROCEDURES FOR ALL POLLUTANTS FOR WHICH AN ENVIRONMENTAL RATING IS ASSIGNED BY THE DEC. THIS ANALYSIS MUST SHOW THAT THERE ARE NO PREDICTED OFF-SITE AMBIENT CONCENTRATIONS IN EXCESS OF THE ANNUAL GUIDELINE CONCENTRATION OR SHORT TERM GUIDELINE CONCENTRATION FOR EACH CONTAMINANT. THIS ANALYSIS SHALL INCLUDE ALL EMISSIONS OF SUCH POLLUTANT, FACILITY-WIDE, SO THAT CUMULATIVE IMPACTS ARE MODELED. NOT LATER THAN THE 60TH PRODUCTION DAY COMMENCING ON THE EFFECTIVE DATE OF THIS PERMIT, THE OWNER OR OPERATOR MUST SUBMIT TO THE DEC A MODELING PROTOCOL FOR THE AMBIENT IMPACT ANALYSIS. A PRODUCTION DAY SHALL BE ANY PART OF A CALENDAR DAY ON WHICH THE FACILITY USES RAW MATERIAL TO MAKE A PRODUCT FOR SALE. WITHIN 60 DAYS OF DEC'S APPROVAL OF THE PROTOCOL, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT DESCRIBING THE RESULTS OF AMBIENT IMPACT ANALYSIS.

THE OWNER OR OPERATOR MUST NOT MAKE ANY CHANGES TO THE STACK CHARACTERISTICS (HEIGHT OR EXIT VELOCITY) THAT WOULD ALTER DISPERSION CHARACTERISTICS UNLESS APPROVED BY THE DEC.

ON AN ANNUAL BASIS, BEGINNING ONE YEAR AFTER RECEIPT OF THIS PERMIT, AND ON A CALENDAR YEAR BASIS ENDING DECEMBER 31 THEREAFTER, THE OWNER OR OPERATOR SHALL SUBMIT TO THE DEC A REPORT STATING WHETHER ANY CHANGES WERE MADE TO THE OPERATION OF THESE EMISSIONS SOURCES, OR THE AIR POLLUTION CONTROL EQUIPMENT, THAT COULD RESULT IN INCREASES IN PREDICTED EMISSIONS. THE FIRST REPORT SHALL BE DUE 30 DAYS AFTER THE END OF THE FIRST 12 MONTH ROLLING PERIOD, COMMENCING WITH THE RECEIPT OF THIS PERMIT. THEREAFTER, REPORTS SHALL BE DUE JANUARY 30.

**** No Data

A11

RECORD KEEPING/MAINTENANCE PROCEDURES

ANNUALLY (CALENDAR)

AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Summary of Compliance Requirements

*** THIS SUMMARY IS NOT ENFORCEABLE BUT IS MERELY INTENDED TO PROVIDE A CONCISE VIEW OF FACILITY PERMISSIBLE EMISSIONS. READERS ARE DIRECTED TO THE MAIN PERMIT FOR DETAILS REGARDING ENFORCEABLE CONDITIONS. ***

DEC ID 7110200006 Facility BUCKBEE MEARS COMPANY

Location 30 KELLOGG RD CORTLAND, NY 13045

Permit ID 7-1102-00006/00079 Application Recv'd 12/09/1998 Renewal No: 0

Permit Type ASF Status Issued

Facility Permissible Emissions

0NY100-00-0 HAP

48000 pounds per year

**U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION REPORT**

I. HEADING

Date: May 1, 2007

Subject: Buckbee-Mears Site
City of Cortland, Cortland County, New York
Removal Action: RV1

From: Mark P. Pane, OSC
Removal Action Branch

To: J. Rotola, EPA
G. Zachos, EPA
M. Mears, EPA
M. Wieder, EPA
V. Capon, EPA
T. Grier, 5202G
D. Harkay, EPA

RST
M. Peachy, NYSDEC
R. Brazell, NYSDEC
T. Gallagher, Mayor of Cortland
D. Baron, Cortland Fire Chief
M. Dwyer, EPA-CID

POLREP NO. : 5 [03/13/07 - 04/10/07] RV1

II. BACKGROUND

Site No: YH
CERCLIS No: NYN000205908
Response Authority: CERCLA
NPL Status: Not Listed or proposed
ROD Signed: Not applicable
State Notification: NYSDEC Notified
Start Date: January 10, 2007
Completion Date: Ongoing
Status of Action Memorandum: Verbal Authorization granted on January 10, 2007 and
Ceiling Increase approved on March 14, 2007
Delivery Order Number: EP-W-04-054-044

III. SITE INFORMATION

The facility is located at 30 Kellogg Road, City of Cortland, Cortland County, New York, 13045. The property is approximately 50 acres in size and contains a large main production building, interconnected with several smaller production buildings, an office building and several support buildings, including a flammable storage building and a hazardous waste storage garage. The size of the facility

buildings are estimated at 367,000 ft².

The Buckbee-Mears facility was purchased by International Electron Devices (IED) on October 26, 2004. IED operated the facility until May, 2005, when they closed due to a lack of funding. A large number of the bulk chemicals used in production and the chemical wastes from past operations were abandoned on Site. These materials included: strong acids and caustics in large tanks, drums, process piping and numerous small containers throughout the facility. Approximately 7 cylinders of chlorine gas were also abandoned on Site.

During the Summer of 2006, the Cortland Police Department responded to a report of vandalism and became concerned when they discovered the large amount of chemicals which had been abandoned at the Site. The Cortland Police subsequently notified the New York State Department of Environmental Conservation (NYSDEC) of their findings. On July 27, 2006, representatives from the NYSDEC, the Cortland Police and Fire Departments and the Environmental Protection Agency (EPA) conducted a Site visit. The visit confirmed the presence of numerous hazardous substances in drums, tanks and cylinders throughout the facility. The potential for a chemical release was deemed serious because the facility was idle with no security and all utilities had been terminated. On August 1, 2006, the NYSDEC formally requested the EPA to conduct a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at this Site.

Negotiations with the PRP to perform the required clean up actions resulted in EPA issuing an Administrative Order on September 29, 2006. The PRP initially complied with the Order, but ceased correspondence with EPA in early November, 2006. Following several acts of vandalism at the facility, EPA initiated a Removal Action on January 10, 2007.

IV. RESPONSE INFORMATION

A. Planned Response Actions

The planned scope of work for this action is to dispose or recycle all chemical wastes which remain on Site. This process will be accomplished in several phases. The first phase will be to dispose of the most dangerous materials posing the most significant threat of release, including the outside tanks and cylinders of chlorine gas. The next phase will be to perform a detailed inventory of the entire facility and get an accurate measure of the number of containers and volume of waste remaining on Site. Disposal of these materials, by either recycling or through an approved disposal facility, will follow. The last phase will be to flush process lines, drain equipment reservoirs, clean the catch basins, address the

water treatment tanks and any remaining tanks or containers which may contain residual solidified waste.

B. Situation

1. Current situation

EPA initiated a removal action at this Site on January 10, 2007. This period, ERRS completed the collection and staging of all inventoried waste. ERRS also conducted the off site disposal of the remaining sulphuric acid and 19 compressed gas cylinders. RST completed the sampling of all interior sumps and sludges.

2. Response activities to date: March 13, 2007 to April 10, 2007

Site security was in place during all non working hours this period. No incidents were reported. Warmer day time weather has begun melting snow accumulated on the facility roof. At least two areas of the building have been damaged by water leaking from the roof. These areas have been delineated and are off limits to Site personnel.

On March 13, 2007, EPA was contacted by the PRP's new legal counsel. The Counsel for the PRP informed EPA that they intended to comply with the initial demand letter for \$28,800 and the terms of the Order. Payment was subsequently received by EPA. As part of the PRP efforts to comply, they also provided EPA with a signed Access Agreement on March 19, 2007. EPA provided the PRP with a detailed inventory of Site wastes to assist them with making disposal plans. However, the PRP remains out of compliance with the Order and EPA field work continues, and will continue, until complete compliance is met. EPA ORC has also placed a lien on the property.

A confirmation of verbal authorization and ceiling increase Action Memorandum was approved by the Division Director on March 14, 2007.

On March 15 and 16, 2007 members of the EPA Enforcement Team were on Site to review files and financial information remaining in Site buildings.

On March 26, 2007, Airgas was on Site to collect and recycle 7, 30 pound cylinders of freon. This disposal was conducted at no cost to EPA.

On March 29, 2007, a local welding supplier was on Site to retrieve 22, compressed gas cylinders which were rented to the facility while it was in operation. There was no cost to EPA for the recycling of these items.

On March 30, 2007, ERRS completed the collection and transfer of all inventoried

waste to the staging area in Building 5. The materials are being segregated based on label information and field haz cat results. Once segregated the materials are being packaged for off site disposal. To date, ERRS has prepared approximately 2,945 containers for off Site disposal. These materials were packaged into: 40, 55 gallon drums; 10, 5 gallon pails; and 7, 1 cubic yard boxes.

On March 30, 2007, RST completed the sampling of floor drain liquids and sludges. The sample data is being analyzed by the CLP and data is expected back in mid May, 2007. The data will dictate what disposal methods, if any, are necessary.

On March 30, 2007, the OSC spoke at the Cortland County LEPC meeting. A presentation of field activities and the planned response actions was provided to the more than 30 Local and County personnel present. The meeting was well received and the Fire Department expressed their gratitude for the EPA efforts in keeping them apprised of the Removal Action.

On April 2, 2007, approximately 2,900 gallons of 93% sulphuric acid was transferred into a tanker truck and shipped off Site. This transfer completely emptied the tank which will be deconned next reporting period. The material was shipped as product to a facility in Rhode Island that was identified by the ERRS waste broker. EPA has previously contacted the facility and learned the acid will be used in their waste water treatment plant to neutralize caustic waste water. The Region 1 EPA office was also contacted and there are no current violations associated with this facility.

On April 2, 2007, Yaman Realty was on Site with a potential buyer for the facility. Yaman has a signed agreement with IED, to sell the property and its contents. ERRS accompanied the realtor while they gave the tour of the facility.

3. Enforcement

The owner of the facility, IED, abandoned the Site in May, 2005. EPA issued a Unilateral Administrative Order on September 29, 2006. IED has been in non compliance with the Order since November, 2006. On March 19, 2007, IED provided EPA with formal access to the facility.

C. Next Steps

EPA will continue Site security during all non working hours. ERRS will pursue disposal and recycling options for the waste material remaining on Site. ERRS will continue with the segregation and packaging process. RST will continue to perform air monitoring and photo-document field activities.

D. Key Issues

EPA CID is pursuing a criminal investigation of IED. EPA has documented the location, condition and volume of all waste material discovered on Site. This information is necessary to counter any future PRP claims concerning any "takings" issues.

V. COST INFORMATION for RV1 (As of, April 10, 2007)¹

	Current Budget ²	Cost to Date³	Amount Remaining
ERRS	\$400,000	\$246,350	\$153,650
RST	\$200,000	\$144,476	\$55,524
EPA	\$80,000	\$45,000	\$35,000
Contingency	\$126,150	\$0	\$126,150
TOTAL	\$806,150	\$435,826	\$335,324

1. The cost accounting documented above is an estimate based on figures known to the OSC at the time this report was written. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.
2. ERRS funding for this action was approved under procurement requests with DCN# HE-0054, dated January 10, 2007, in the amount of \$200,000 and DCN# HE-0110, dated March 28, 2007, in the amount of 200,000. RST and EPA budgets were initially approved as part of the verbal authorization dated January 10, 2007 and expanded in the signed action memorandum dated March 14, 2007.
3. RST cost for this period are estimated. EPA direct costs are based on a loaded estimated hourly rate of \$100/hour. ERRS costs for this Polrep are reported directly from corresponding 1900-55.

VI. DISPOSITION OF WASTES (During this Reporting Period)

Type of Material	Quantity (Estimated)	Facility Name	Treatment	Shipment Dates	Manifest or Bill of Lading Number
Freon Cylinders (chlorodifluoro methane)	7 30# cylinders	Airgas East, Inc. 121 Boxwood Lane Syracuse, NY 13206	Recycle and or Reuse	03/26/07	762415-00

Miscellaneous Compressed Gas Cylinders	22 total (3 acetylene, 5 nitrogen, 3 argon, 11 oxygen)	Haun Welding Supply 6000 Court Street Road Syracuse, NY 13206	Recycle and or Reuse	03/29/07	6671331
Sulphuric Acid, 93%	2,900 gallons	Bradford Dyes 460 Bradford Road Bradford, RI 02808	Reuse (neutralize caustic waste water)	04/02/07	40101-02

**U.S. ENVIRONMENTAL PROTECTION AGENCY
POLLUTION REPORT**

I. HEADING

Date: May 8, 2007

Subject: Buckbee-Mears Site
City of Cortland, Cortland County, New York
Removal Action: RV1

From: Mark P. Pane, OSC
Removal Action Branch

To:	J. Rotola, EPA	RST
	G. Zachos, EPA	M. Peachy, NYSDEC
	M. Mears, EPA	R. Brazell, NYSDEC
	M. Wieder, EPA	T. Gallagher, Mayor of Cortland
	V. Capon, EPA	D. Baron, Cortland Fire Chief
	T. Grier, 5202G	M. Dwyer, EPA-CID
	D. Harkay, EPA	

POLREP NO. : 6 [04/11/07 to 05/04/07] RV1

II. BACKGROUND

Site No:	YH
CERCLIS No:	NYN000205908
Response Authority:	CERCLA
NPL Status:	Not Listed or proposed
ROD Signed:	Not applicable
State Notification:	NYSDEC Notified
Start Date:	January 10, 2007
Completion Date:	Ongoing
Status of Action Memorandum:	Verbal Authorization granted on January 10, 2007 and Ceiling Increase approved on March 14, 2007
Delivery Order Number:	EP-W-04-054-044

III. SITE INFORMATION

The facility is located at 30 Kellogg Road, City of Cortland, Cortland County, New York, 13045. The property is approximately 50 acres in size and contains a large main production building, interconnected with several smaller production buildings, an office building and several support buildings, including a flammable storage building and a hazardous waste storage garage. The size of the facility

buildings are estimated at 367,000 ft².

The Buckbee-Mears facility was purchased by International Electron Devices (IED) on October 26, 2004. IED operated the facility until May, 2005, when they closed due to a lack of funding. A large number of the bulk chemicals used in production and the chemical wastes from past operations were abandoned on Site. These materials included: strong acids and caustics in large tanks, drums, process piping and numerous small containers throughout the facility. Approximately 7 cylinders of chlorine gas were also abandoned on Site.

During the Summer of 2006, the Cortland Police Department responded to a report of vandalism and became concerned when they discovered the large amount of chemicals which had been abandoned at the Site. The Cortland Police subsequently notified the New York State Department of Environmental Conservation (NYSDEC) of their findings. On July 27, 2006, representatives from the NYSDEC, the Cortland Police and Fire Departments and the Environmental Protection Agency (EPA) conducted a Site visit. The visit confirmed the presence of numerous hazardous substances in drums, tanks and cylinders throughout the facility. The potential for a chemical release was deemed serious because the facility was idle with no security and all utilities had been terminated. On August 1, 2006, the NYSDEC formally requested the EPA to conduct a removal action under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) at this Site.

Negotiations with the PRP to perform the required clean up actions resulted in EPA issuing an Administrative Order on September 29, 2006. The PRP initially complied with the Order, but ceased correspondence with EPA in early November, 2006. Following several acts of vandalism at the facility, EPA initiated a Removal Action on January 10, 2007.

IV. RESPONSE INFORMATION

A. Planned Response Actions

The planned scope of work for this action is to dispose or recycle all chemical wastes which remain on Site. This process will be accomplished in several phases. The first phase will be to dispose of the most dangerous materials posing the most significant threat of release, including the outside tanks and cylinders of chlorine gas. The next phase will be to perform a detailed inventory of the entire facility and get an accurate measure of the number of containers and volume of waste remaining on Site. Disposal of these materials, by either recycling or through an approved disposal facility, will follow. The last phase will be to flush process lines, drain equipment reservoirs, clean the catch basins, address the

water treatment tanks and any remaining tanks or containers which may contain residual solidified waste.

B. Situation

1. Current situation

EPA initiated a removal action at this Site on January 10, 2007. This period, ERRS conducted the off site disposal of: 2, anhydrous ammonia cylinders, 45, compressed gas cylinders of refrigerant and 2, Hydrochloric Acid tanks.

2. Response activities to date: April 11, 2007 to May 4, 2007

Site security was in place during all non working hours this period. No incidents were reported. At least two areas of the building have been damaged by water leaking from the roof. These areas have been delineated and are off limits to Site personnel.

On March 30, 2007, ERRS completed the collection and transfer of all inventoried waste to the staging area in Building 5. The materials were segregated based on label information and field haz cat results. Once segregated the materials were packaged for off site disposal. ERRS has prepared approximately 4,883 containers for off Site disposal. These materials were packaged into: 68, 55 gallon drums; 20, 5 gallon pails; and 10, 1 cubic yard boxes. Approximately 900 other containers collected during the initial inventory have been consolidated with other waste streams and the empty containers will be crushed and disposed.

On April 12, 2007, 3, 150 # pound cylinders of anhydrous ammonia were returned to the original supplier for recycling. Two of these cylinders were full and the third was empty. The cylinders were recycled at no cost to EPA with the supplier providing transportation.

On April 18, 2007, 45 cylinders, of varying size, containing various refrigerant gases, were removed from the Site through a recycling facility located in MA. The facility will reclaim the cylinder contents and recycle it. The empty cylinders will be either re-used or disposed. The facility performing this activity is currently in compliance with the EPA off Site disposal rule with no known RCRA violations.

On April 26, 2007, ERRS drained approximately 270 gallons of chromic acid from a tank inside Building 5 into a portable tank for disposal. RST performed air monitoring during the transfer and recorded no readings above background. The room containing the tank was heavily stained and the area was deconned before the transfer was completed.

On April 26, 2007, the realtor for the PRP was on Site showing the facility to 2 potential buyers. The buyers appeared to be interested in some of the Site equipment and parts of the facility. ERRS and RST accompanied the realtor on their tour.

ERRS initiated removal and decon of process piping this period. Approximately 150 linear feet of pipe was removed and staged for disposal. This piping was filled with solids and had been damaged during the winter months. Approximately 100 linear feet of piping was deconned in place.

On May 3, 2007, ERRS completed the transfer of approximately 4,220 gallons of Hydrochloric acid from 2 tanks inside Building 5. The transfer was completed without incident. RST conducted perimeter air monitoring during the transfer and noted no readings above background. The material is being transferred to a facility in PA for recycling. This facility is in compliance with the EPA off Site disposal rule.

On May 3, 2007, EPA met with the City of Cortland Re-development Agency and their engineering consultants to tour the facility and support buildings on Site. The City would like to place this property back into productive use and tasked the engineering firm to see how feasible it would be to partition the Buildings for multiple users. The City believes the current owner will not re-occupy the facility and that no single user would need a facility this large. A report to the City is expected by the end of May, 2007.

On May 4, 2007, EPA ORC and DOJ held a conference call to discuss filing a petition for involuntary bankruptcy. This action is being pursued to assist EPA in reclaiming funds to be expended on the clean up. Filing of this petition is still pending.

3. Enforcement

The owner of the facility, IED, abandoned the Site in May, 2005. EPA issued a Unilateral Administrative Order on September 29, 2006. IED has been in non compliance with the Order since November, 2006. On March 19, 2007, IED provided EPA with formal access to the facility.

C. Next Steps

EPA will continue Site security during all non working hours. ERRS will pursue disposal and recycling options for the waste material remaining on Site. RST will continue to perform air monitoring and photo-document field activities.

D. Key Issues

EPA CID is pursuing a criminal investigation of IED. EPA has documented the location, condition and volume of all waste material discovered on Site. This information is necessary to counter any future PRP claims concerning any "takings" issues.

V. COST INFORMATION for RV1 (As of, May 2, 2007)¹

	Current Budget ²	Cost to Date³	Amount Remaining
ERRS	\$400,000	\$314,674	\$85,326
RST	\$200,000	\$166,334	\$33,666
EPA	\$80,000	\$49,000	\$31,000
Contingency	\$126,150	\$0	\$126,150
TOTAL	\$806,150	\$530,008	\$245,142

1. The cost accounting documented above is an estimate based on figures known to the OSC at the time this report was written. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.
2. ERRS funding for this action was approved under procurement requests with DCN# HE-0054, dated January 10, 2007, in the amount of \$200,000 and DCN# HE-0110, dated March 28, 2007, in the amount of 200,000. RST and EPA budgets were initially approved as part of the verbal authorization dated January 10, 2007 and expanded in the signed action memorandum dated March 14, 2007.
3. RST cost for this period are estimated. EPA direct costs are based on a loaded estimated hourly rate of \$100/hour. ERRS costs for this Polrep are reported directly from corresponding 1900-55.

VI. DISPOSITION OF WASTES (During this Reporting Period)

Type of Material	Quantity (Estimated)	Facility Name	Treatment	Shipment Dates	Manifest or Bill of Lading Number
Anhydrous Ammonia	3, 150 # Cylinders	JCI Caledonia, NY 14423	Recycle and or Reuse	04/12/07	JCI-002

Miscellaneous Refrigerant Cylinders	45 units	Interstate Refrigerant Recovery P.O. Box 517 Foxborough, MA 02035	Recycle	04/18/07	IRR-001
Hydrochloric Acid	4,220 gallons	Advanced Recycling Technology 1080 Opportunity Ave. Chambersburg, PA 17201	Recycle	05/03/07	48692