State of Ohio Environmental Protection Agency

RE: FINAL PERMIT TO INSTALL **CERTIFIED MAIL**
CUYAHOGA COUNTY

Street Address: 122 S. Front Street
Lazarus Gov. Center **TELE:** (614) 644-3020 **FAX:** (614) 644-2329
Mailing Address: Lazarus Gov. Center P.O. Box 1049

Application No: 13-04088

DATE: 4/17/2003

New York Frozen Foods
Frank Keleman
25900 Fargo Avenue
Bedford Heights, OH 44146

Enclosed please find an Ohio EPA Permit to Install which will allow you to install the described source(s) in a manner indicated in the permit. Because this permit contains several conditions and restrictions, I urge you to read it carefully.

The Ohio EPA is urging companies to investigate pollution prevention and energy conservation. Not only will this reduce pollution and energy consumption, but it can also save you money. If you would like to learn ways you can save money while protecting the environment, please contact our Office of Pollution Prevention at (614) 644-3469.

You are hereby notified that this action by the Director is final and may be appealed to the Ohio Environmental Review Appeals Commission pursuant to Chapter 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. It must be filed within thirty (30) days after the notice of the Directors action. A copy of the appeal must be served on the Director of the Ohio Environmental Protection Agency within three (3) days of filing with the Commission. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
236 East Town Street, Room 300
Columbus, Ohio 43215

Very truly yours,
Michael W. Ahern
Michael W. Ahern, Supervisor
Field Operations and Permit Section
Division of Air Pollution Control

CC: USEPA **CBAPC**

STATE OF OHIO ENVIRONMENTAL PROTECTION AGENCY

Permit To Install	**Issue Date: 4/17/2003**
Terms and Conditions	**Effective Date: 4/17/2003**

FINAL PERMIT TO INSTALL 13-04088

Application Number:	13-04088
APS Premise Number:	1318047969
Permit Fee:	**$400**
Name of Facility:	New York Frozen Foods
Person to Contact:	Frank Keleman
Address:	25900 Fargo Avenue Bedford Heights, OH 44146

Location of proposed air contaminant source(s) [emissions unit(s)]:
25900 Fargo Avenue
Bedford Heights, **Ohio**

Description of proposed emissions unit(s):
Paved roadways and parking areas.

The above named entity is hereby granted a Permit to Install for the above described emissions unit(s) pursuant to Chapter 3745-31 of the Ohio Administrative Code. Issuance of this permit does not constitute expressed or implied approval or agreement that, if constructed or modified in accordance with the plans included in the application, the above described emissions unit(s) of environmental pollutants will operate in compliance with applicable State and Federal laws and regulations, and does not constitute expressed or implied assurance that if constructed or modified in accordance with those plans and specifications, the above described emissions unit(s) of pollutants will be granted the necessary permits to operate (air) or NPDES permits as applicable.

This permit is granted subject to the conditions attached hereto.

Ohio Environmental Protection Agency

Director

Part I - GENERAL TERMS AND CONDITIONS

A. Permit to Install General Terms and Conditions

1. Compliance Requirements

The emissions unit(s) identified in this Permit to Install shall remain in full compliance with all applicable State laws and regulations and the terms and conditions of this permit.

2. Reporting Requirements

The permittee shall submit required reports in the following manner:

a. Reports of any required monitoring and/or record keeping information shall be submitted to the appropriate Ohio EPA District Office or local air agency.

b. Except as otherwise may be provided in the terms and conditions for a specific emissions unit, quarterly written reports of (a) any deviations (excursions) from emission limitations, operational restrictions, and control device operating parameter limitations that have been detected by the testing, monitoring, and record keeping requirements specified in this permit, (b) the probable cause of such deviations, and (c) any corrective actions or preventive measures which have been or will be taken, shall be submitted to the appropriate Ohio EPA District Office or local air agency. If no deviations occurred during a calendar quarter, the permittee shall submit a quarterly report, which states that no deviations occurred during that quarter. The reports shall be submitted quarterly, i.e., by January 31, April 30, July 31, and October 31 of each year and shall cover the previous calendar quarters. (These quarterly reports shall exclude deviations resulting from malfunctions reported in accordance with OAC rule 3745-15-06.)

3. Records Retention Requirements

Each record of any monitoring data, testing data, and support information required pursuant to this permit shall be retained for a period of five years from the date the record was created. Support information shall include, but not be limited to, all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by this permit. Such records may be maintained in computerized form.

4. Inspections and Information Requests

The Director of the Ohio EPA, or an authorized representative of the Director, may, subject to the safety requirements of the permittee and without undue delay, enter upon the premises of this source at any reasonable time for purposes of making inspections, conducting tests, examining records or reports pertaining to any emission of air contaminants, and determining compliance with any applicable State air pollution laws and regulations and the terms and conditions of this permit. The permittee shall furnish to the Director of the Ohio EPA, or an authorized

representative of the Director, upon receipt of a written request and within a reasonable time, any information that may be requested to determine whether cause exists for modifying, reopening or revoking this permit or to determine compliance with this permit. Upon verbal or written request, the permittee shall also furnish to the Director of the Ohio EPA, or an authorized representative of the Director, copies of records required to be kept by this permit.

5. Scheduled Maintenance/Malfunction Reporting

Any scheduled maintenance of air pollution control equipment shall be performed in accordance with paragraph (A) of OAC rule 3745-15-06. The malfunction of any emissions units or any associated air pollution control system(s) shall be reported to the appropriate Ohio EPA District Office or local air agency in accordance with paragraph (B) of OAC rule 3745-15-06. Except as provided in that rule, any scheduled maintenance or malfunction necessitating the shutdown or bypassing of any air pollution control system(s) shall be accompanied by the shutdown of the emissions unit(s) that is (are) served by such control system(s).

6. Permit Transfers

Any transferee of this permit shall assume the responsibilities of the prior permit holder. The appropriate Ohio EPA District Office or local air agency must be notified in writing of any transfer of this permit.

7. Air Pollution Nuisance

The air contaminants emitted by the emissions units covered by this permit shall not cause a public nuisance, in violation of OAC rule 3745-15-07.

8. Termination of Permit to Install

This Permit to Install shall terminate within eighteen months of the effective date of the Permit to Install if the owner or operator has not undertaken a continuing program of installation or modification or has not entered into a binding contractual obligation to undertake and complete within a reasonable time a continuing program of installation or modification. This deadline may be extended by up to 12 months if application is made to the Director within a reasonable time before the termination date and the party shows good cause for any such extension.

9. Construction of New Sources(s)

The proposed emissions unit(s) shall be constructed in strict accordance with the plans and application submitted for this permit to the Director of the Ohio Environmental Protection Agency. There may be no deviation from the approved plans without the express, written approval of the Agency. Any deviations from the approved plans or the above conditions may lead to such sanctions and penalties as provided under Ohio law. Approval of these plans does not constitute an assurance that the proposed facilities will operate in compliance with all Ohio laws and regulations. Additional facilities shall be installed upon orders of the Ohio

Environmental Protection Agency if the proposed sources cannot meet the requirements of this permit or cannot meet applicable standards.

If the construction of the proposed emissions unit(s) has already begun or has been completed prior to the date the Director of the Environmental Protection Agency approves the permit application and plans, the approval does not constitute expressed or implied assurance that the proposed facility has been constructed in accordance with the approved plans. The action of beginning and/or completing construction prior to obtaining the Director's approval constitutes a violation of OAC rule 3745-31-02. Furthermore, issuance of the Permit to Install does not constitute an assurance that the proposed source will operate in compliance with all Ohio laws and regulations. Approval of the plans in any case is not to be construed as an approval of the facility as constructed and/or completed. Moreover, issuance of the Permit to Install is not to be construed as a waiver of any rights that the Ohio Environmental Protection Agency (or other persons) may have against the applicant for starting construction prior to the effective date of the permit. Additional facilities shall be installed upon orders of the Ohio Environmental Protection Agency if the proposed facilities cannot meet the requirements of this permit or cannot meet applicable standards.

10. Public Disclosure

The facility is hereby notified that this permit, and all agency records concerning the operation of this permitted source, are subject to public disclosure in accordance with OAC rule 3745-49-03.

11. Applicability

This Permit To Install is applicable only to the emissions unit(s) identified in the Permit To Install. Separate Permit To Install for the installation or modification of any other emissions unit(s) are required for any emissions unit for which a Permit To Install is required.

12. Best Available Technology

As specified in OAC Rule 3745-31-05, all new sources must employ Best Available Technology (BAT). Compliance with the terms and conditions of this permit will fulfill this requirement.

13. Source Operation and Operating Permit Requirements After Completion of Construction

This facility is permitted to operate each source described by this Permit to Install for a period of up to one year from the date the source commenced operation. This permission to operate is granted only if the facility complies with all requirements contained in this permit and all applicable air pollution laws, regulations, and policies. Pursuant to OAC Chapter 3745-35, the permittee shall submit a complete operating permit application within ninety (90) days after commencing operation of the emissions unit(s) covered by this permit.

14. Construction Compliance Certification

The applicant shall provide Ohio EPA with a written certification (see enclosed form) that the facility has been constructed in accordance with the Permit to Install application and the terms and conditions of the Permit to Install. The certification shall be provided to Ohio EPA upon completion of construction but prior to startup of the source.

15. Fees

The permittee shall pay fees to the Director of the Ohio EPA in accordance with ORC section 3745.11 and OAC Chapter 3745-78. The permittee shall pay all applicable Permit to Install fees within 30 days after the issuance of this Permit to Install.

B. Permit to Install Summary of Allowable Emissions

The following information summarizes the total allowable emissions, by pollutant, based on the individual allowable emissions of each air contaminant source identified in this permit.

SUMMARY (for informational purposes only)
TOTAL PERMIT TO INSTALL ALLOWABLE EMISSIONS

Pollutant	Tons Per Year
PM	4.75
PM_{10}	0.923

Emissions Unit ID: **F001**

PART II - SPECIAL TERMS AND CONDITIONS FOR SPECIFIC EMISSIONS UNIT(S)

A. Applicable Emissions Limitations and/or Control Requirements

1. The specific operations(s), property, and/or equipment which constitute this emissions unit are listed in the following table along with the applicable rules and/or requirements and with the applicable emissions limitations and/or control measures. Emissions from this unit shall not exceed the listed limitations, and the listed control measures shall be specified in narrative form following the table.

Operations, Property, and/or Equipment	Applicable Rules/Requirements	Applicable Emissions Limitations/Control Measures
F001 - 44,021 square feet of paved roadways and parking areas	OAC rule 3745-31-05(A)(3)	Paved roadways and parking areas: 4.75 tons per year of PM emissions 0.923 ton per year of PM_{10} emissions There shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed 1 minute during any 60-minute observation period. Best available control measures that are sufficient to minimize or eliminate visible emissions of fugitive dust (see Sections A.I.2.c, and A.I.2.d through A.I.2.h).
	OAC rule 3745-17-07(B)(4)	The emission limitation specified by this rule is less stringent than the emission limitation established pursuant to OAC rule 3745-31-05(A)(3).
	OAC rule 3745-17-08(B), (B)(8), (B)(9)	The requirements established pursuant to this rule are equivalent to the requirements of OAC rule 3745-31-05 (A)(3).

2. Additional Terms and Conditions

2.a The roadways and parking areas that are covered by this permit and subject to the above-mentioned requirements are 44,021 acres of paved roadways and parking areas.

2.b The permittee shall employ best available control measures on all paved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's permit application, the permittee has committed to maintain a speed limit of 5 mph to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance.

2.c The permitte shall post speed limit signs on all paved road segments. The speed limit shall not exceed 5 miles per hour.

2.d The needed frequencies of implementation of the control measures shall be determined by the permittee's inspections pursuant to the monitoring section of this permit.

2.e The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or erosion by water or other means.

2.f Open-bodied vehicles transporting materials likely to become airborne shall have such materials covered at all times if the control measure is necessary for the materials being transported.

2.g Implementation of the above-mentioned control measures in accordance with the terms and conditions of this permit is appropriate and sufficient to satisfy the best available technology requirements of OAC rule 3745-31-05.

B. Operational Restrictions

None

C. Monitoring and/or Record keeping Requirements

1. Except as otherwise provided in this section, the permittee shall perform daily inspections of all the roadways and parking areas.

2. The purpose of the inspections is to determine the need for implementing the above-mentioned control measures. The inspections shall be performed during representative, normal traffic conditions. No inspection shall be necessary for a roadway or parking area that is covered with

snow and/or ice or if precipitation has occurred that is sufficient for that day to ensure compliance with the above-mentioned applicable requirements. Any required inspection that is not performed due to any of the above-identified events shall be performed as soon as such event(s) has (have) ended, except if the next required inspection is within one week.

3. The permittee may, upon receipt of written approval from the Cleveland Division of Air Quality, modify the above-mentioned inspection frequencies if operating experience indicates that less frequent inspections would be sufficient to ensure compliance with the above-mentioned applicable requirements.

4. The permittee shall maintain records of the following information:

a. The date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;

b. The date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;

c. the dates the control measures were implemented;

d. The annual vehicle miles traveled per year for paved and unpaved roadways and parking areas each; and

e. On a calendar quarter basis, the total number of days the control measures were implemented and the total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in 4.e. shall be updated on a calendar quarter basis within 30 days after the end of each calendar quarter.

D. Reporting Requirements

1. The permittee shall submit deviation reports that identify any of the following occurrences:

a. Each day during which an inspection was not performed by the required frequency, excluding an inspection which was not performed due to an exemption for snow and/or ice cover or precipitation; and

b. Each instance when a control measure, that was to be implemented as a result of an inspection, was not implemented.

2. The deviation reports shall be submitted in accordance with the reporting requirements of the General Terms and Conditions of this permit.

E. Testing Requirements

1. Emission Limitation:
No visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed 1 minute during any 60-minute observation period.

Applicable Compliance Method:
Compliance with the visible emission limitation for the paved roadways and parking areas identified above shall be determined in accordance with Test Method 22 as set forth in "Appendix on Test Methods" in 40 CFR, Part 60 ("Standards of Performance for New Stationary Sources," as such Appendix existed on July 1, 1996, and the modifications listed in paragraphs (B)(4)(a) through (B)(4)(d) of OAC rule 3745-17-03.

2. Emission Limitation:
Paved roadways and parking areas
PM emissions, 4.75 tons per year
PM_{10} emissions, 0.923 ton per year

Applicable Compliance Method:
Compliance with the PM and PM_{10} emission limits shall be determined by the following equation from U.S. EPA reference document "Compilation of Air Pollutant Emission Factors" AP-42, Chapter 13.2.1 (Paved Roads), Fifth Edition, dated 10/2002:

$$E = k * (sL/2)^{0.65} * (W/3)^{1.5} *[1-(p/(2*365)]* VMT *(1/2000)$$

where:

E = annual particulate emission rate;
k = constant, (0.082 for PE, 0.016 for PM_{10});
sL = road surface silt loading, (70);
W = mean vehicular weight;
p = number of days with at least 0.01 inches of precipitation per year, (150); and,
VMT = vehicular miles traveled per year.

F. Miscellaneous Requirements

None

NEW SOURCE REVIEW FORM B

PTI Number: 13-04088 Facility ID: 1318047969

FACILITY NAME New York Frozen Foods

FACILITY DESCRIPTION Bakery CITY/TWP Bedford Heights

SIC CODE 2038 SCC CODE N/A EMISSIONS UNIT ID F001

EMISSIONS UNIT DESCRIPTION 44,021 square feet of paved roadways and parking areas

DATE INSTALLED 2/1990

EMISSIONS: (Click on bubble help for Air Quality Descriptions)

Pollutants	Air Quality Description	Actual Emissions Rate		PTI Allowable	
		Short Term Rate	Tons Per Year	Short Term Rate	Tons Per Year
Particulate Matter			4.06		4.75
PM_{10}			0.792		0.923
Sulfur Dioxide					
Organic Compounds					
Nitrogen Oxides					
Carbon Monoxide					
Lead					
Other: Air Toxics					

APPLICABLE FEDERAL RULES:

NSPS? N/A NESHAP? N/A PSD? N/A OFFSET POLICY? N/A

WHAT IS THE BAT DETERMINATION, AND WHAT IS THE BASIS FOR THE DETERMINATION?

BAT Determination: limiting max. speed of vehicles to 5 mph or under and no visible emissions for a period of time not to exceed one minute during a sixty-minute observation period for paved roadways, and parking lots. The basis for this determination is derived from engineering calculations and similar sources.

IS THIS SOURCE SUBJECT TO THE AIR TOXICS POLICY? No

OPTIONAL: WHAT IS THE CAPITAL COST OF CONTROL EQUIPMENT? $N/A

TOXIC AIR CONTAMINANTS

Ohio EPA's air toxics policy applies to contaminants for which the American Conference of Governmental Industrial Hygienists (ACGIH) has a listed threshold limit value.

AIR TOXICS MODELING PERFORMED*? _____ YES X NO

IDENTIFY THE AIR CONTAMINANTS: PM, PM-10