



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 4-2726-00061/00001
Effective Date:

Expiration Date:

Permit Issued To: HERO GROUP INC
13 BRITISH AMERICAN BLVD
LATHAM, NY 12110

Contact: ROBERT A HARVEY
HERO GROUP INC
NYS RT 5S
AMSTERDAM, NY 12010
(518) 673-3251

Facility: HERO GROUP INC (BEECH-NUT) MANUFACTURING PLANT
ST RTE 5S - N SIDE - 1½ MIS W OF ST RTE 30|FLORIDA BUSINESS
PARK
FLORIDA, NY

Description:

A new 580,000 square foot infant food production facility will be constructed in the Florida Industrial Park. The facility will replace existing Beech Nut facilities in Canajoharie and Fort Plain and will also serve as Hero Group, Inc.'s Corporate Headquarters.

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: NANCY M ADAMS
1130 N WESTCOTT RD
SCHENECTADY, NY 12306-2014

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



CONDITIONS **PAGE LOCATION OF**

PAGE

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 8 1 6NYCRR 201-7.2: Facility Permissible Emissions
- 9 *2 6NYCRR 201-7.2: Capping Monitoring Condition
- 10 *3 6NYCRR 201-7.2: Capping Monitoring Condition
- 11 *4 6NYCRR 201-7.2: Capping Monitoring Condition
- 13 *5 6NYCRR 201-7.2: Capping Monitoring Condition
- 15 6 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 15 7 6NYCRR 225-1.6(b): Compliance.
- 15 8 6NYCRR 225-1.8(a): Compliance Demonstration
- 16 9 6NYCRR 225-1.8(d): Sampling, compositing, and analysis of fuel samples

Emission Unit Level

EU=1-STEAM

- 16 10 6NYCRR 227-1.3(a): Compliance Demonstration
- 17 11 6NYCRR 227-1.6: Corrective Action
- 17 12 6NYCRR 227-1.7: General Provisions
- 17 13 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 18 14 40CFR 60.7(a), NSPS Subpart A: Date of construction notification
- If a COM is not used.
- 19 15 40CFR 60.7(a), NSPS Subpart A: Modification Notification
- 19 16 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 19 17 40CFR 60.7(c), NSPS Subpart A: Compliance Demonstration
- 20 18 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report
- 20 19 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
- 21 20 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 21 21 40CFR 60.7(g), NSPS Subpart A: Notification Similar to State or
Local Agency
- 21 22 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 22 23 40CFR 60.8(b), NSPS Subpart A: Performance Test Methods - Waiver
EU Level
- 22 24 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 22 25 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 22 26 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 23 27 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 23 28 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 23 29 40CFR 60.9, NSPS Subpart A: Availability of information.
- 24 30 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 24 31 40CFR 60.12, NSPS Subpart A: Circumvention.
- 24 32 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 25 33 40CFR 60.14, NSPS Subpart A: Modifications.
- 25 34 40CFR 60.15, NSPS Subpart A: Reconstruction.
- 25 35 40CFR 60.47c(c), NSPS Subpart Dc: Emissions monitoring
- 26 36 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Demonstration
- 26 37 40CFR 60.48c(g)(2), NSPS Subpart Dc: Compliance Demonstration
- 27 38 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Demonstration
- 27 39 40CFR 60.48c(j), NSPS Subpart Dc: Reporting period



- 27 56 40CFR 60.48c(f)(4), NSPS Subpart Dc: Fuel supplier certification
- EU=1-STEAM,Proc=OIL**
- 28 40 6NYCRR 227-1.3(a): Compliance Demonstration
29 41 40CFR 60.42c(d), NSPS Subpart Dc: Compliance Demonstration
30 42 40CFR 60.42c(h), NSPS Subpart Dc: Exemption from the averaging period.
30 43 40CFR 60.42c(i), NSPS Subpart Dc: Enforceability.
30 44 40CFR 60.43c(c), NSPS Subpart Dc: Compliance Demonstration
31 45 40CFR 60.43c(d), NSPS Subpart Dc: Enforceability of particulate matter and opacity standards.
31 46 40CFR 60.43c(e)(4), NSPS Subpart Dc: PM limit for facilities that burn only oil with less than 0.5% sulfur
32 47 40CFR 60.44c(h), NSPS Subpart Dc: Compliance Demonstration
32 48 40CFR 60.45c(a), NSPS Subpart Dc: Compliance Demonstration
33 49 40CFR 60.45c(d), NSPS Subpart Dc: Compliance and performance test methods and procedures for particulate matter.
34 50 40CFR 60.46c(e), NSPS Subpart Dc: Exemption from sulfur dioxide monitoring requirements.
34 51 40CFR 60.48c(b), NSPS Subpart Dc: Compliance Demonstration
34 52 40CFR 60.48c(c), NSPS Subpart Dc: Compliance Demonstration
35 53 40CFR 60.48c(d), NSPS Subpart Dc: Compliance Demonstration
35 54 40CFR 60.48c(e)(11), NSPS Subpart Dc: Compliance Demonstration
36 55 40CFR 60.48c(f)(1), NSPS Subpart Dc: Compliance Demonstration

- EU=2-FOODS**
- 37 57 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
37 58 6NYCRR 212.6(a): Compliance Demonstration
37 59 6NYCRR 212.6(a): Compliance Demonstration

- EU=3-GRAIN**
- 38 60 6NYCRR 212.4(a): Emissions from new emission sources and/or modifications
39 61 6NYCRR 212.4(c): Compliance Demonstration
39 62 6NYCRR 212.6(a): Compliance Demonstration
40 63 6NYCRR 212.6(a): Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 41 64 ECL 19-0301: Contaminant List
42 65 6NYCRR 201-1.4: Unavoidable noncompliance and violations
43 66 6NYCRR 201-5: Emission Unit Definition
44 67 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 44 68 6NYCRR 201-5: Emission Point Definition By Emission Unit
46 69 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping **PAGE**

DEC GENERAL CONDITIONS

General Provisions

- 2 Facility Inspection by the Department
2 Relationship of this Permit to Other Department Orders and Determinations



- 3 Permit modifications, suspensions or revocations by the Department
Facility Level
- 3 Submission of application for permit modification or renewal-REGION 4
HEADQUARTERS



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers
Applicable State Requirement: 6NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



submitted prior to actual transfer of ownership.

Condition 4: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6NYCRR 621.13

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 application for permit modification or renewal-REGION 4 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 4 Headquarters
Division of Environmental Permits
1130 North Westcott Rd.
Schenectady, NY 12306-2014
(518) 357-2069