

New York State Department of Environmental Conservation
Division of Environmental Permits
NYSDEC REGION 4 HEADQUARTERS
1130 NORTH WESTCOTT RD
SCHENECTADY, NY 12306-
(518) 357-2069

January 14, 2008

HERO GROUP INC
13 BRITISH AMERICAN BLVD
LATHAM, NY 12110

Re: DEC ID # 4-2726-00061/00001
HERO GROUP INC (BEECH-NUT)

MANUFACTURING PLANT

Dear Applicant :

Please be advised that your application for a DEC permit(s) is complete and a technical review has commenced. Notice and the opportunity for public comment is required for this application. Enclosed is a Notice of Complete Application for your project. Please have the Notice published in the newspaper identified below once during the week of 01/14/2008 on any day Monday through Friday.

THE RECORDER
1 VENNER RD
AMSTERDAM, NY 12010

On the Notice of Complete Application, that information presented between the horizontal lines, on the enclosed page(s) should be published. Do not print this letter or the information contained below the second horizontal line. Please request the newspaper publisher to provide you with a Proof of Publication for the Notice. Upon receipt of the Proof of Publication promptly forward it to this office. You must provide the Proof of Publication before a final decision can be rendered on your application. You are responsible for paying the cost of publishing the Notice in the newspaper.

Notification of this complete application is also being provided by this Department in the NYSDEC Environmental Notice Bulletin.

This notification does not signify approval of your application for permit. Additional information may be requested from you at a future date, if deemed necessary to reach a decision on your application. Your project is classified major under the Uniform Procedures Act. Accordingly, a decision is due within 90 days of the date of this notice unless a public hearing is held, which may extend this time frame. If a public hearing is necessary, you will be notified.

If you have any questions please contact me at the above address or phone number above.

Sincerely,

JAMES J ELDRED
Division of Environmental Permits

THIS IS NOT A PERMIT



**New York State Department of Environmental Conservation
Notice of Complete Application**

Date: 01/11/2008

Applicant: HERO GROUP INC
13 BRITISH AMERICAN BLVD
LATHAM, NY 12110

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

Application ID: 4-2726-00061/00001

Permits(s) Applied for: 1 - Article 19 Air State Facility

Project is located: in FLORIDA in MONTGOMERY COUNTY

Project Description:

Hero Group, Inc. (Beech-Nut) proposes the construction of a new facility to process raw fruits and vegetables into infant food and to produce infant cereal. The facility will be located within Lot #4 of the Town of Florida Business Park, north of State Route 5S approximately 1 1/2 miles west of State Route 30, Town of Florida, County of Montgomery. The new infant food manufacturing facility will replace the existing Beech-Nut facilities currently located in the towns of Canajoharie and Fort Plain and will also serve as Hero Group, Inc.'s Corporate Headquarters. Hero Group, Inc. proposes the construction of a 580,000 square foot manufacturing plant, office building, truck loading and unloading facilities, employee/visitor, truck and trailer parking areas, stormwater structures and associated utility infrastructure on the site.

After review of the application the Department has prepared a draft Air State Facility Permit. The facility will operate four boilers for the generation of process steam, all of which will use natural gas as the primary fuel and #2 fuel oil as an alternate fuel. This facility will fall below the Title V applicability threshold of 100 tons per year for oxides of nitrogen (NOx), carbon monoxide (CO), and sulfur dioxide (SO2). The applicant has proposed restricting the potential to emit through enforceable permit conditions which will limit or cap emissions at a level which is less than 100 tons per year for each of the contaminants. In addition, the processing of raw fruits and vegetables into baby food produces volatile organic compounds (VOC) emissions which the applicant has proposed restricting the potential to emit through enforceable permit conditions at a level which is less than 50 tons per year for VOC, the applicability threshold for Title V permitting. The applicant will be required to maintain fuel usage and production records to be used to determine the monthly and twelve month rolling total emissions. The applicant will be

required to report the monthly and twelve month rolling total emissions to verify compliance with permit conditions and limits.

Persons wishing to inspect the subject Air State Facility files, including the application with all relevant supporting materials, the draft permit, and all other materials available to the DEC (the “permitting authority”) that are relevant to this permitting decision should contact the DEC representative below. It is recommended that an appointment be made to confirm the availability of the subject files. The DEC will endeavor to make the files available within two business days of contact, during normal business hours (8:30 AM through 4:45 PM), unless the requestor wishes to inspect the files at a later date. Copies of the application materials and draft air permit are included with the Supplemental Draft EIS available for review at the Following locations: Florida Town Hall; Amsterdam Free Library; Fort Hunter Free Library; Town Clerks Office. An electronic version of the Draft EIS is available for review at the following web address: <http://www.cha-llp.com/beechnuteis> and the Draft Air State Facility Permit is available at the following web address: http://www.dec.ny.gov/dardata/boss/afs/issued_asf_h.html.

DEC will evaluate the application and the comments received on it to determine whether to hold a public hearing. A public hearing may be legislative or adjudicatory. A legislative public hearing is a proceeding which provides an additional opportunity for public comment. DEC’s determination to hold a legislative public hearing will be based on whether a significant degree of public interest exists. If a legislative public hearing is to be held, a Notice of Hearing will be published which will include the time and place of the hearing and submitting comments. The applicant and all persons who have filed comments on the permit will be notified by mail of the public hearing. Comments and requests for a legislative hearing should be in writing and addressed to the Department representative listed below.

An adjudicatory public hearing is a trial type proceeding which provides the opportunity for adjudication on the basis of evidence, including direct testimony and cross examination. An adjudicatory hearing is held only if substantive and significant issues relating to any findings or determinations the Department is required to make pursuant to the Environmental Conservation Law exists. A copy of the Department’s permit hearing procedures is available upon request or on the Department’s web site at: <http://www.dec.state.ny.us/website/ohms/gudph1.htm>.

The Air State Facility Permit, ID number 4-2726-00061/00001, is available for review at the Region 4 office. The contact person is James Eldred, NYSDEC, 1130 North Westcott Road, Schenectady, NY 12306, telephone (518)357-2445. Comments will be received for 30 days from the date of this notice. If comments are received which raise significant issues or provide additional relevant information, the Department may modify the draft Air State Facility Permit.

In addition to the above permit, the project also requires the following Department permits, which have been concurrently noticed in this paper: 1) an Article 24 Freshwater Wetland and 401 Water Quality Certification permit (DEC permit Nos. 4-2726-00059/00001 & /00002); and 2) a Water Supply Permit to increase the Town of Florida's approved taking by 1,000,000 gallons per day into it's Water District No. 1 (DEC #4-2726-00049/00003, WSA No. 08-A).

Availability of Application Documents:

Filed application documents, and Department draft permits where applicable, are available for inspection during normal business hours at the address of the contact person. To ensure timely service at the time of inspection, it is recommended that an appointment be made with the contact person.

State Environmental Quality Review (SEQR) Determination

A draft environmental impact statement has been prepared on this project and is on file.

SEQR Lead Agency Florida Town Planning Board

State Historic Preservation Act (SHPA) Determination

A cultural resources survey has been completed. Based on information provided in the survey report, the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) has determined that the proposed activity will have no impact on registered or eligible archaeological sites or historic structures. No further review in accordance with SHPA is required.

DEC Commissioner Policy 29, Environmental Justice and Permitting (CP-29)

It has been determined that the proposed action is not subject to CP-29.

Availability For Public Comment

Comments on this project must be submitted in writing to the Contact Person no later than 02/15/2008 or 30 days after the publication date of this notice, whichever is later.

Contact Person

JAMES J ELDRED
NYSDEC
1130 NORTH WESTCOTT RD
SCHENECTADY, NY 12306-
(518) 357-2069

CC List for Complete Notice

Laury Bibighaus, Clough Harbour & Associates, LLP
Doreen Simmons, Hancock & Estabrook, LLP
David Pickett, Air, DEC Region 4
ENB