

Facility DEC ID: 9146800017

**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-1468-00017/00004  
Effective Date: 04/27/2022 Expiration Date: 04/26/2032

Permit Issued To: Final Gift USA LLC  
2 Daniels Way  
Cranston, RI 02921

Contact: Carlos Cantu  
2 Daniels Way  
Cranston, RI 02921  
(226) 770-8858

Facility: PINE REST PET CEMETERY  
757 SENECA CREEK RD  
WEST SENECA, NY 14224

**Description:**

Pine Rest Pet Cemetery (Facility) is a pet crematorium services provider. The facility is located at 757 Seneca Creek Road, Town of West Seneca, Erie County, New York. The facility currently operates two cremation units, one Kellogg Mann DR-150 and one IEE (Matthews) Power-Pak II Ultra. The facility has an existing Air Facility Registration (AFR).

This Air State Facility (ASF) permit will allow the facility to replace the Kellogg Mann DR-150 with two new cremation units from Therm - Tec, one Therm - Tec S18-P6-G1 and one Therm - Tec G30. The IEE (Matthews) Power-Pak II Ultra will continue to remain in service.

The IEE (Matthews) Power-Pak II Ultra cremation unit is identified in the permit under Emission Unit C-R0001. In accordance with 6NYCRR Part 219-4.1, C-R0001 is an existing cremation unit because it was constructed before the effective date of 6NYCRR Part 219 or before March 14, 2020. The particulate emission limit for C-R0001, as stated in 6 NYCRR Part 219-4.3(a), shall not exceed 0.08 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

The Therm - Tec S18-P6-G1 and the Therm - Tec G30 cremation units are identified in the permit under Emission Units C-R0002 and C-R0003, respectively. In accordance with 6NYCRR Part 219-4.1, C-R0002 and C-R0003 are new cremation units because an application for an air permit was received after the effective date of 6NYCRR Part 219 or after March 14, 2020. The particulate emission limit for C-R0002 and C-R0003, as stated in 6 NYCRR Part 219-4.3(b), shall not exceed 0.05 grains per dry standard cubic foot of flue gas, corrected to seven percent oxygen.

As per 6NYCRR 219-4.4, each cremation unit must be operated such that emissions to the outdoor atmosphere do not equal or exceed a six-minute average opacity of 10 percent. In addition, each cremation unit must maintain a one-hour average temperature of at least 1600

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degrees Fahrenheit in the secondary combustion chamber, with a minimum residence time for combustion gases of at least one second, at all times remains are being cremated.

As per 6NYCRR 219-4.5, the facility submitted a representative stack test for identical units. These stack test reports meet the department's standards for approval.

As per 6NYCRR 219-4.6, each cremation unit must be operated under the onsite supervision of a person possessing a valid crematory operator certification issued by the department.

As per 6NYCRR 219-4.7, each cremation unit must be inspected at least once per calendar year.

As per 6NYCRR 219-4.8(a), the following records must be maintained at the facility for a period of at least five years:

- (a) continuous temperature monitoring records indicating the date and time of each cremation performed;
- (b) operator training and certification records for all operators at the facility;
- (c) a record of the date, time, and cause of all malfunctions and any corrective action taken to resolve them;
- (d) a record of any maintenance performed on each cremation unit, including the annual inspection required by section 219-4.7 of this Subpart, and the routine replacement of parts and components; and
- (e) a copy of each cremation certification form created pursuant to section 219-4.4(e) of this Subpart.

As per 6NYCRR 219-4.8(b), the following records must be maintained at the facility for the lifetime of each cremation unit installed at the facility:

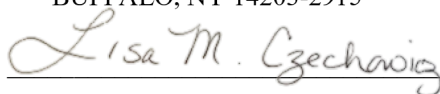
- (a) manufacturer's operating instructions for each cremation unit and any associated monitoring equipment or emissions controls; and
- (b) a copy of the most recent stack test submitted to the department in order to demonstrate compliance with this Subpart.

A New York State Climate Leadership and Community Protection Act (CLCPA) analysis was performed. The result of the analysis was that no feasible alternatives/mitigation measures were identified at this time.

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: LISA M CZECHOWICZ  
NYSDEC - REGION 9  
270 MICHIGAN AVE  
BUFFALO, NY 14203-2915

Authorized Signature:



Date: 4 27 / 2022

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**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.

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**PAGE LOCATION OF CONDITIONS**

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**DEC GENERAL CONDITIONS**

**General Provisions**

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**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: 6 NYCRR 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 the expiration of permits for Title V and 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.

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**Condition 4: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority 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 9**

**HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

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

NYSDEC Regional Permit Administrator  
 Region 9 Headquarters  
 Division of Environmental Permits  
 270 Michigan Avenue  
 Buffalo, NY 14203-2915  
 (716) 851-7165