New York State Department of Environmental Conservation
Facility DEC ID: 1282000357

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Title V Facility Permit
Permit ID: 1-2820-00357/00002
Effective Date: 11/12/1998 Expiration Date: 11/12/2003

Permit Issued To: FREEPORT - V
46 N OCEAN AVE
FREEPORT, NY 11520-3023

Facility: FREEPORT POWER PLANT #1
220 W SUNRISE HWY
FREEPORT, NY 11520

Contact: HUBERT BIANCO
220 WEST SUNRISE HIGHWAY
FREEPORT, NY 11520

Description:
The facility is a municipal electric power generating facility consisting of four diesel engines and one package boiler (two of the diesel engines are used for emergency backup). The facility can generate up to 6.5MW of electric power during normal operation.

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: GEORGE W. HAMMARTH
SUNY CAMPUS, LOOP ROAD, BUILDING 40
STONY BROOK, NY 11790-2356

Authorized Signature: _____ Date: ___ / ___ / _____

New York State Department of Environmental Conservation
Facility DEC ID: 1282000357

Notification of Other 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, agents, and assigns for all claims, suits, actions, damages, and costs of every name and description, arising out of or resulting from the permittee's undertaking of activities or operation and maintenance of the facility or facilities authorized by the permit in compliance or non-compliance with the terms and conditions of the permit.

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.

New York State Department of Environmental Conservation
Facility DEC ID: 1282000357

LIST OF CONDITIONS

DEC GENERAL CONDITIONS
General Provisions
Facility Inspection by the Department
Relationship of this Permit to Other Department Orders and Determinations
Applications for Permit Renewals and Modifications
Permit Modifications, Suspensions, and Revocations by the Department
Facility Level
Submission of Applications for Permit Modification or Renewal-REGION 1 HEADQUARTERS

DEC GENERAL CONDITIONS
****** General Provisions ******

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 3-0301.2(g)

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. 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(a)

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.

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. The grounds for

modification, suspension or revocation include:

a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
c) new material information is discovered; or
d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 1 HEADQUARTERS
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 1 Headquarters
Division of Environmental Permits
SUNY Campus, Loop Road, Building 40
Stony Brook, NY 11790-2356
(516) 444-0365

New York State Department of Environmental Conservation
Permit ID: 1-2820-00357/00002 Facility DEC ID: 1282000357

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES

LIST OF CONDITIONS

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Permit Effective Date: 11/12/1998 Permit Expiration Date: 11/12/2003

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

Condition 1: Sealing
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:
(a) 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 labelling 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.

(b) 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.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:
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.

Condition 3: Maintenance of equipment
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:
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 4: Contaminant List
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.1(a)

Item 4.1:
Emissions of the following contaminants are allowed under this permit.

CAS No: 000630-08-0
Name: CARBON MONOXIDE

CAS No: 007439-92-1
Name: LEAD

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

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

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

CAS No: 0NY998-00-0
Name: VOC

Item 4.2:
The Facility is authorized to emit the regulated contaminants cited in Item 4.1 from the emission units specified in this permit.

Condition 5: Unpermitted Emission Sources
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 5.1:
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.

Condition 6: Unavoidable Noncompliance and Violations

Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 6.1:
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 or certificate issued for the corresponding air contamination source. 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.

(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.

Condition 7: Emergency Defense
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 7.1:
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.

Condition 8: Recycling and Salvage
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.7

Item 8.1:
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.

Condition 9: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 9.1:
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.

Condition 10: Public Access to Recordkeeping for Title V facilities
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-1.10(b)

Item 10.1:
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

Condition 11: Proof of Eligibility
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-3.2(a)

Item 11.1:
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.

Condition 12: Proof of Eligibility
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-3.3(a)

Item 12.1:
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.

Condition 13: Applicable Criteria, Limits, Terms, Conditions and Standards
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 13.1:
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in the permit. This shall include:

i. Any reporting requirements and operations under an accidental release plan, response plan, and

compliance plan as approved as of the date of the permit issuance, or

ii. Any support documents submitted as a part of the permit application for this facility as accepted and approved as of the date of permit issuance.

Any permit noncompliance constitutes a violation of the federal Clean Air Act and will be grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

Item 13.2:
Any document, including reports, required by the federally-enforceable portions of this permit shall contain a certification by the responsible official for this facility as set forth in Section 201-6.3 that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

Condition 14: Cessation or Reduction of Permitted Activity Not a Defense
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 14.1:
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Condition 15: Compliance Requirements
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 15.1:
The following information must be included in any required compliance monitoring records and reports:

i. The date, place and time of sampling or measurements;

ii. The date(s) analyses were performed;

iii. The company or entity that performed the analyses;

iv. The analytical techniques or methods used including quality assurance and quality control procedures if required;

v. The results of such analyses including quality assurance data where required; and

vi. The operating conditions as existing at the time of sampling or measurement;

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by the responsible official, consistent with Section 201-6.3 of Part 201.

Item 15.2:
Requirements for compliance certification with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:

- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. All compliance certifications shall be submitted to the Administrator as well as to the Department.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of the effective date of this permit.

Item 15.3:
The permittee shall comply with the approved compliance schedule for this permit if such a schedule is a part of this permit. Risk management plans must be submitted to the Administrator if required by Section 112(r) of the Clean Air Act for this facility.

Item 15.4:
Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually from the effective date of this permit, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 16: Federally-Enforceable Requirements
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 16.1:
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.

Condition 17: Fees
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 17.1:
The permittee shall pay the required fees associated with this permit.

Condition 18: Monitoring, Related Recordkeeping and Reporting Requirements
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 18.1:
Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

Item 18.2:
To meet the requirements of this facility permit with respect to reporting, the permittee must:

i. Submit reports of any required monitoring at least every 6 months after the date of permit issuance. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

ii. Report promptly (as prescribed under Section 201-1.4 of Part 201) to the Department:

- deviations from permit requirements, including those attributable to upset conditions,
- the probable cause of such deviations, and
- any corrective actions or preventive measures taken.

iii. The permittee must, in the event that emissions of air contaminants exceeding any air emission standard under 6 NYCRR Chapter III occur due to an emergency, comply with the reporting requirements of section 201-1.4 and subdivision 201-6.6(c) of 6 NYCRR Part 201 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. Facilities desiring an affirmative defense for non-compliance with any applicable requirement due to an emergency shall follow the requirements established under the general provisions of Part 201.

iv. Except where the owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, reports on equipment maintenance or start-up/shutdown for the facility need not be submitted to the commissioner's representative unless requested by the Department or required elsewhere in this permit.

Condition 19: Permit Conditions - 40 CFR Part 82, Subpart F - Protection of Stratospheric Ozone
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 19.1:
The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F:

(a) Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to § 82.156.

(b) Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to § 82.158.

(c) Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to § 82.161.

Condition 20: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 20.1:
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not relieve the permittee from the requirement to comply with any condition contained in this permit.

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

Condition 21: Permit Shield
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 21.1:
All permittees granted a Title V facility permit shall be covered under the protection of a permit shield. For those facilities for which a permit shield has been granted, compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Condition 22: Property Rights
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 22.1:
This permit does not convey any property rights of any sort or any exclusive privilege.

Condition 23: Reopening for Cause
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 23.1:
This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Item 23.2:
Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Item 23.3:
Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

Condition 24: Right to Inspect
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 24.1:
Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 25: Severability
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 25.1:
If any federally-enforceable provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

Condition 26: Emission Unit Definition
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 26.1:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 1-00001
Emission Unit Description:
DIESEL ENGINE (#11) RATED AT 31 MMBTU/HR,
20 FIRES NO. 2 FUEL OIL. OPERATES ONLY AS
EMERGENCY BACKUP.

Building(s): PP1

Item 26.2:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 1-00002
Emission Unit Description:
DIESEL ENGINE (#10) RATED AT 28 MMBTU/HR,
FIRES NO. 2 FUEL OIL.

Building(s): PP1

Item 26.3:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 1-00003
Emission Unit Description:
DIESEL ENGINE (#9) RATED AT 17 MMBTU/HR
FIRES NO. 2 FUEL OIL. OPERATES ONLY AS
EMERGENCY BACKUP.

Building(s): PP1

Item 26.4:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 1-00004
Emission Unit Description:
DIESEL ENGINE (#12) RATED AT 53 MMBTU/HR,
FIRES NO. 2 FUEL OIL.

Building(s): PP1

Condition 27: Required emissions tests

Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 27.1:
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.

Condition 28: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 28.1:
The Compliance Certification activity will be performed for the Facility.

Item 28.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR YEAR)
Reports due by April 15th for previous calendar year

Condition 29: Recordkeeping requirements
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 29.1:
(a) The following records shall be maintained for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

Condition 30: Visible emissions limited.
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 211.3

Item 30.1:
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.

Condition 31: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 215.

Item 31.1:
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.

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

Condition 32: Emission Point Definition By Emission Unit
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 32.1:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-00001

Emission Point: 00001
Height (ft.): 46 Diameter (in.): 30
NYTMN (km.): 4501.523 NYTME (km.): 619.033 Building: PP1

Item 32.2:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-00002

Emission Point: 00002
Height (ft.): 40 Diameter (in.): 30
NYTMN (km.): 4501.523 NYTME (km.): 619.033 Building: PP1

Item 32.3:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-00003

Emission Point: 00003
Height (ft.): 55 Diameter (in.): 36
NYTMN (km.): 4501.523 NYTME (km.): 619.033 Building: PP1

Item 32.4:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 1-00004

Emission Point: 00004
Height (ft.): 55 Diameter (in.): 42
NYTMN (km.): 4501.523 NYTME (km.): 619.033 Building: PP1

Condition 33: Process Definition By Emission Unit
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 201-6.

Item 33.1:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-00001
Process: 103 Source Classification Code: 2-01-001-02
Process Description:
SINGLE DIESEL ENGINE RATED AT 31 MMBTU/HR
FIRES No. 2 OIL.

Emission Source/Control: 00011 - Combustion

Item 33.2:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-00002
Process: 102 Source Classification Code: 2-01-001-02
Process Description:
SINGLE DIESEL ENGINE RATED AT 28 MMBTU/HR
FIRES No. 2 OIL.

Emission Source/Control: 00010 - Combustion

Item 33.3:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-00003
Process: 101 Source Classification Code: 2-01-001-02

Process Description:
SINGLE DIESEL ENGINE RATED AT 17 MMBTU/HR
FIRES No. 2 FUEL OIL.

Emission Source/Control: 00009 - Combustion

Item 33.4:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 1-00004
Process: 104 Source Classification Code: 2-01-001-02
Process Description:
SINGLE DIESEL ENGINE RATED AT 53 MMBTU/HR
FIRES No, 2OIL.

Emission Source/Control: 00012 - Combustion

Condition 34: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 34.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001

Item 34.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY
Upper Limit of Monitoring: 20 percent
Reference Test Method: method 9
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 35: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 225-1.2(d)

Item 35.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00001
Process: 103 Emission Source: 00011

Regulated Contaminant:
CAS No: 007446-09-5
Name: SULFUR DIOXIDE

Item 35.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
SULFUR CONTENT OF ALL #2 FUEL OIL USED WILL BE LIMITED TO 0.37% BY WEIGHT.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Limit of Monitoring: 0.37 percent by weight
Reference Test Method: ASTM D-4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: ANNUALLY (ANNIVERSARY)
Initial Report Due: 12/11/1999 for the period 11/12/1998 through 11/11/1999

Condition 36: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 36.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00002

Item 36.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY
Upper Limit of Monitoring: 20 percent
Reference Test Method: method 9
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 37: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 225-1.2(d)

Item 37.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00002
Process: 102 Emission Source: 00010

Regulated Contaminant:
CAS No: 007446-09-5
Name: SULFUR DIOXIDE

Item 37.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
SULFUR CONTENT OF ALL #2 FUEL OIL USED WILL BE LIMITED TO 0.37% BY WEIGHT.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Limit of Monitoring: 0.37 percent by weight
Reference Test Method: ASTM D-4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 38: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-2.5(c)

Item 38.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00002
Process: 102 Emission Source: 00010

Regulated Contaminant:
CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

Item 38.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
RETARD ENGINE TIMING AND INSTALL EGR.

Reference Test Method: NA
Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 39: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 39.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00003 Emission Point: 00003

Item 39.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Limit of Monitoring: 20 percent
Reference Test Method: method 9
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 40: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 225-1.2(d)

Item 40.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00003 Emission Point: 00003
Process: 101 Emission Source: 00009

Regulated Contaminant:
CAS No: 007446-09-5
Name: SULFUR DIOXIDE

Item 40.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
SULFUR CONTENT OF ALL #2 FUEL OIL USED WILL BE LIMITED TO 0.37% BY WEIGHT.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Limit of Monitoring: 0.37 percent by weight
Reference Test Method: ASTM D-4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: ANNUALLY (ANNIVERSARY)
Initial Report Due: 12/11/1999 for the period 11/12/1998 through 11/11/1999

Condition 41: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-1.3(a)

Item 41.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00004 Emission Point: 00004

Item 41.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY
Upper Limit of Monitoring: 20 percent
Reference Test Method: method 9
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 42: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 225-1.2(d)

Item 42.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00004 Emission Point: 00004
Process: 104 Emission Source: 00012

Regulated Contaminant:
CAS No: 007446-09-5
Name: SULFUR DIOXIDE

Item 42.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
SULFUR CONTENT OF ALL #2 FUEL OIL USED WILL BE LIMITED TO 0.37% BY WEIGHT.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Limit of Monitoring: 0.37 percent by weight

Reference Test Method: ASTM D-4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 43: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable Federal Requirement: 6NYCRR 227-2.5(c)

Item 43.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00004 Emission Point: 00004
Process: 104 Emission Source: 00012

Regulated Contaminant:
CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN

Item 43.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
RETARD ENGINE TIMING AND INSTALL EGR.

Reference Test Method: NA
Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

Condition 44: General Provisions: Facilities Subject to Subparts 201-5 and 201-6
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable State Requirement: 6NYCRR 201-5.

Item 44.1:
This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 44.2:
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.

Item 44.3:
Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 44.4:
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.

Condition 45: Air pollution prohibited
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable State Requirement: 6NYCRR 211.2

Item 45.1:
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 46: Diesel truck opacity limitation
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable State Requirement: 6NYCRR 217-3.2(a)

Item 46.1:
No person who owns, operates or leases a vehicle propelled by a diesel engine or who owns, leases or occupies land and has actual or apparent dominion or control over the operation of a vehicle propelled by a diesel engine which is present on said land, shall operate said vehicle or allow or permit it to be operated, in such a manner that exhaust emissions of a shade of blue, black, or gray equal to or greater than No. 1 on the Ringelmann chart (20 percent opacity) or equivalent standard acceptable to the commissioner are produced for a continuous period of more than five seconds when the vehicle is in motion.

Condition 47: Idling of diesel trucks limited
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable State Requirement: 6NYCRR 217-3.2(b)

Item 47.1:
No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

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

Condition 48: Compliance Certification
Effective between the dates of 11/12/1998 and 11/12/2003

Applicable State Requirement: 6NYCRR 227-1.2(a)(2)

Item 48.1:
The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00002
Process: 102 Emission Source: 00010

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

Item 48.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:
ANNUAL STACK TESTING TO DETERMINE
PARTICULATE EMISSIONS.

Parameter Monitored: PARTICULATES
Upper Limit of Monitoring: 0.6 pounds per million Btus
Reference Test Method: EPA METHOD 5
Monitoring Frequency: ANNUALLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY
TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: ANNUALLY (ANNIVERSARY)
Initial Report Due: 12/11/1999 for the period 11/12/1998 through 11/11/1999