

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 1282000358**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 1-2820-00358/00002  
Mod 0 Effective Date: 11/12/1998 Expiration Date: 11/12/2003  
  
SAPA Extended Begin Date: 11/13/2003  
  
Mod 1 Effective Date: 11/26/2003 Expiration Date: 11/26/2003

'A Extended Begin Date: 11/13/2003

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

Facility: FREEPORT POWER PLANT #2  
289 BUFFALO AVE  
FREEPORT, NY 11520

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

**Description:**

This permit modification is being proposed as a reopening of the Title V facility permit originally issued to the permittee on November 12, 1998. Review of the 1998 permit suggested that additional requirements needed to be added to the permit to assure compliance with state and federal applicable requirements. Additionally, past stack tests suggested that the diesels have operated in violation of the state and federal limits on the emission of oxides of nitrogen (NOx) and particulates.

The provisions of this permit modification are intended to supplement the present permit to include all standards and requirements that apply under state and federal regulations. This permit is also intended to bring the diesels into compliance with state and federal regulations limiting NOx and particulates. This will be accomplished by the permanent decommissioning and shutdown of the two existing diesel generators.

In place of the diesel generators, the Village of Freeport proposes to construct and operate one LM-6000 gas turbine generator, or an equivalent unit. The operation of the new turbine is expected to result in a significant emission reductions while increasing the generating capacity from approximately 17 MW for the two diesel generators together to 47 MW for the new turbine. The existing diesel generators will be permanently decommissioned when this new turbine commences commercial operation.



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The construction of the new turbine will be authorized through the issuance of a separate state facility permit addressing the requirements applying to the LM-6000. Within one year of the commencement of operation of the new LM-6000, the Village will be required to apply for a Title V permit modification to the facility's issued Title V permit that merges the requirements applying to the LM-6000 with those that apply to an existing Curtiss-Wright turbine to be covered under the reopened Title V permit.

Until the shutdown of the diesels takes place, their operation is limited under an agreement with the Long Island Power Authority (LIPA). The diesel generators will co-exist for a short period with the new turbine during its "shakedown" period. The state permit for the new turbine will prohibit the operation of the diesel generators at the same time as the new turbine during the shakedown period.

The existing Curtiss-Wright turbine will continue to operate at this facility. This unit must be tested under this permit to demonstrate that it is in compliance with the applicable NOx and particulate emission limits as well as all other applicable requirements in state and federal rules. If compliance cannot be demonstrated, the permittee will be allowed to apply for a variance from the NOx limit and an exception from the particulates limits in Part 227.

The hours of operation of the Curtiss-Wright turbine will be limited during the NOx Budget control period after the issuance of this permit. This limit will allow this unit to avoid the need to comply with the state NOx Budget rules by capping emissions of NOx from this unit below 25 tons per year. Operation outside of the NOx Budget control period will also be limited.

The Village operates a small (2.8 million Btu per hour) package boiler for on-site utilities. This unit has recently been converted to gas and is considered to be exempt for the purposes of this permit.

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:            WILLIAM R ADRIANCE  
   DIVISION OF ENVIRONMENTAL PERMITS  
   625 BROADWAY  
   ALBANY, NY 12233-1750

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 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 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.



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 1  
HEADQUARTERS

Submission of Applications for Permit Modification or Renewal-REGION 1  
HEADQUARTERS



**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions**

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

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

**Item 1-1.1:**

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 1-1.2:**

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 1-1.3:**

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

**Expired by Mod No: 1**

**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:**



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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 1-2: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 1-2.1:**

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 1-2.2:**

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 1-2.3:**

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 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13(a)**

**Expired by Mod No: 1**

**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 1-3: Permit Modifications, Suspensions and Revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.14**

**Item 1-3.1:**

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;



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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.

**Condition 4: Permit Modifications, Suspensions, and Revocations by the Department  
Applicable State Requirement: 6NYCRR 621.14**

**Expired by Mod No: 1**

**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)**

**Expired by Mod No: 1**

**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

**Condition 1-4: Submission of Applications for Permit Modification or Renewal-REGION 1 HEADQUARTERS**

**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 1-4.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
Regional Permit Administrator  
Region 1 Headquarters  
Division of Environmental Permits  
SUNY Campus, Loop Road, Building 40  
Stony Brook, NY 11790-2356

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(631) 444-0365



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

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

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

Facility: FREEPORT POWER PLANT #2  
289 BUFFALO AVE  
FREEPORT, NY 11520

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

Mod 0 Permit Effective Date: 11/12/1998

Permit Expiration Date: 11/12/2003

SAPA Extended Begin Date: 11/13/2003

Mod 1 Permit Effective Date: 11/26/2003

Permit Expiration Date: 11/26/2003



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1-1 Compliance Certification
- 1-2 Compliance Certification
- 26 Emission Unit Definition
- 1-3 Recordkeeping and reporting of compliance monitoring
- 1-4 Monitoring, Related Recordkeeping, and Reporting Requirements.
- 1-5 Compliance Certification
- 1-6 Compliance Certification
- 28 Compliance Certification
- 29 Recordkeeping requirements
- 1-7 Compliance Certification
- 1-8 Compliance Certification
- 1-9 Compliance Certification
- 1-10 Accidental release provisions.
- 1-11 Recycling and Emissions Reduction

**Emission Unit Level**

- 32 Emission Point Definition By Emission Unit
- 33 Process Definition By Emission Unit
- 1-12 Compliance Certification (EU=2-00001,EP=00001,Proc=201,ES=00001)
- 1-13 Compliance Certification (EU=2-00001,EP=00001,Proc=201,ES=00001)
- 1-14 Compliance Certification (EU=2-00001,EP=00001,Proc=201,ES=00001)
- 1-15 Compliance Plan (EU=2-00001,Proc=201,ES=00001)
- 1-16 Compliance Certification (EU=2-00001,EP=00001,Proc=201,ES=00001)
- 1-17 Compliance Plan (EU=2-00001,Proc=201,ES=00001)
- 1-18 Compliance Certification (EU=2-00002,EP=00002,Proc=202,ES=00002)
- 1-19 Compliance Certification (EU=2-00002,EP=00002,Proc=202,ES=00002)
- 1-20 Compliance Certification (EU=2-00002,EP=00002,Proc=202,ES=00002)
- 1-21 Compliance Plan (EU=2-00002,Proc=202,ES=00002)
- 1-22 Compliance Certification (EU=2-00002,EP=00002,Proc=202,ES=00002)
- 1-23 Compliance Plan (EU=2-00002,Proc=202,ES=00002)
- 1-24 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-25 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-26 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-27 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-28 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-29 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)
- 1-30 Compliance Certification (EU=2-00004,EP=00004,Proc=203,ES=00004)

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1-31 Contaminant List
- 1-32 Unavoidable noncompliance and violations
- 44 Air pollution prohibited





**FEDERALLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.**

**Item A: Sealing - 6NYCRR Part 200.5**

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 labeling 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.

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.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

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.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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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.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

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.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

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



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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.

**Item F: Recycling and Salvage - 6NYCRR Part 201-1.7**

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.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

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.

**Item H: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

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.

**Item I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

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

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requirements, regulations, or law.

- Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**  
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.
- Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**  
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item L: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**  
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

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**Requirements - 6 NYCRR Part 201-6.5(a)(3)**

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 stay any permit condition.

**Item O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

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.

**Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**

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.

**Item Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

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

**Item R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

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

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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.

**Item T: Severability - 6 NYCRR Part 201-6.5(a)(9)**

If any 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.

**Item U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, 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.

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such

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changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. 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

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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.

**Item X: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

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.

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.

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

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a shorter time period in the case of an emergency.

**Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

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.

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item AA: Open Fires - 6 NYCRR Part 215**

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.

**Item BB: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item CC: Federally Enforceable Requirements - 40 CFR 70.6(b)**

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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.

**FEDERAL APPLICABLE REQUIREMENTS**

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

**Condition 1-1: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1-1.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-1.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

**DEADLINE FOR THE SHUTDOWN OF THE EXISTING DIESEL GENERATORS:**

The permittee shall not operate the diesel generators (Emission Units 2-00001 and 2-00002) after January 31, 2004. On or before January 31, 2004, the diesel generators shall be permanently shut down. The two diesel generators shall be decommissioned no later than 60 days after being taken out of service.

Failure to meet these deadlines shall result in a determination that the permittee is in violation of this permit, and shall subject the permittee to enforcement action by the Department and the EPA.

If the new LM6000 turbine is able to commence commercial operation before this date, the diesel generators must be shut down at the same time as commercial operation of the



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new turbine begins. In no event shall the diesel generators operate after the date on which the new turbine commences commercial operation.

A summary of the progress made in constructing and start-up of the new turbine, shutdown of the Fiat diesels, and meeting the above milestone shall be included in the semi-annual reports required in this permit, and the annual compliance certification until such time as the diesel generators have been shut down and the diesel generators have been decommissioned.

The "averaging method" field below is not applicable to this condition.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-2: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1-2.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-2.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

OPERATION OF THE DIESEL GENERATORS ONLY IN EMERGENCY:

Under this permit, the permittee shall not operate the Fiat Diesel generators except that the units may be operated prior to January 31, 2004 as follows:

(a) in the case of a system emergency on either the Long Island Power Authority's or Freeport Electric's power system; or

(b) when Freeport is called upon by the New York Independent System Operator (NYISO) to respond to an emergency condition; or

(c) for the purpose of carrying out capacity testing

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required by the NYISO to demonstrate the unit's capacity

Notwithstanding anything to the contrary herein contained, the permittee shall not operate the diesel generators beyond the date on which the LM-6000 turbine commences commercial operation.

The permittee must keep records of the dates, times and number of hours the diesel units operate and the reasons that operation was allowed or required. A summary of the operation of these units must be included in the semi-annual reports required in this permit and the annual compliance certifications required elsewhere in this permit until such time as the diesel generators are permanently decommissioned.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 26: Emission Unit Definition**  
**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 26.1(From Mod 1):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-00001

Emission Unit Description:

DIESEL ENGINE (#1) RATED AT 95 MMBTU/HR,  
FIRES NO. 2 FUEL OIL. DATE OF OPERATION:  
03/01/1969

Building(s): PP2

**Item 26.2(From Mod 1):**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 2-00002

Emission Unit Description:

DIESEL ENGINE (#2) RATED AT 95 MMBTU/HR,  
FIRES NO. 2 FUEL OIL. DATE OF OPERATION:  
03/01/1969

Building(s): PP2

**Item 26.3(From Mod 1):**

The facility is authorized to perform regulated processes under this permit for:



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Emission Unit: 2-00004

Emission Unit Description:

COMBUSTION TURBINE, RATED AT 280 MMBTU/HR,  
FIRES NO. 2 FUEL OIL. CONSTRUCTED  
04/01/73.

Building(s): PP2

**Condition 1-3: Recordkeeping and reporting of compliance monitoring  
Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)**

**Item 1-3.1:**

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 a responsible official, consistent with Section 201-6.3 of this Part 201.

**Condition 1-4: Monitoring, Related Recordkeeping, and Reporting  
Requirements.  
Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(2)**

**Item 1-4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, 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.

**Condition 1-5: Compliance Certification  
Effective between the dates of 11/26/2003 and Permit Expiration Date**

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**Applicable Federal Requirement: 6NYCRR 201-6.5(c)(3)(ii)**

**Item 1-5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. 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.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

(1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

(2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.

(3) For all other deviations from permit requirements,

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the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

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In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-6: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6.5(e)**

**Item 1-6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications 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

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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. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

NYSDEC  
SUNY Campus  
Building 40  
Stony Brook, NY 11790-2356

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The address for the BCME is as follows:

NYSDEC  
Bureau of Compliance Monitoring  
and Enforcement  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2004.  
Subsequent reports are due on the same day each year

**Condition 28: Compliance Certification**  
**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**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)

Reports due by April 15th for previous calendar year

**Condition 29: Recordkeeping requirements**  
**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**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.

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

**Condition 1-7: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 1-7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-7.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR, 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
  - weather condition
  - was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then a



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Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 57 percent

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Averaging Method: ONE CONTINUOUS 6-MINUTE PERIOD PER  
HOUR

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 12/11/2004 for the period 11/26/2003 through 11/26/2003

**Condition 1-8: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 1-8.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-8.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR, no person shall cause or allow any air contamination source to emit any material having an

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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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:
  - weather condition
  - was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

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Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: ANNUALLY (ANNIVERSARY)  
Initial Report Due: 12/11/2004 for the period 11/26/2003 through 11/26/2003

**Condition 1-9: Compliance Certification**  
**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.8**

**Item 1-9.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-9.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

An owner or operator of a facility which purchases and fires coal and/or oil shall submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years.

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-10: Accidental release provisions.**  
**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 68**

**Item 1-10.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;



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b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866  
ATTN: Accidental Release Program contact

**Condition 1-11: Recycling and Emissions Reduction**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**Item 1-11.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

**Condition 32: Emission Point Definition By Emission Unit**

**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 32.1(From Mod 1):**

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

Emission Unit: 2-00001

Emission Point: 00001

Height (ft.): 100

Diameter (in.): 50

NYTMN (km.): 4500.923 NYTME (km.): 621.033 Building: PP2

**Item 32.2(From Mod 1):**

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

Emission Unit: 2-00002

Emission Point: 00002



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Height (ft.): 100                      Diameter (in.): 50  
NYTMN (km.): 4500.923    NYTME (km.): 621.033    Building: PP2

**Item 32.3(From Mod 1):**

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

Emission Unit: 2-00004

Emission Point: 00004

Height (ft.): 80                      Diameter (in.): 96  
NYTMN (km.): 4500.923    NYTME (km.): 621.033    Building: PP2

**Condition 33: Process Definition By Emission Unit**

**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-6**

**Item 33.1(From Mod 1):**

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

Emission Unit: 2-00001

Process: 201

Source Classification Code: 2-01-001-02

Process Description:

SINGLE DIESEL ENGINE RATED AT 95 MMBTU/HR  
FIRES No. 2 OIL

Emission Source/Control: 00001 - Combustion

**Item 33.2(From Mod 1):**

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

Emission Unit: 2-00002

Process: 202

Source Classification Code: 2-01-001-02

Process Description:

SINGLE DIESEL ENGINE RATED AT 95 MMBTU/HR  
FIRES No. 2 FUEL OIL

Emission Source/Control: 00002 - Combustion

**Item 33.3(From Mod 1):**

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

Emission Unit: 2-00004

Process: 203

Source Classification Code: 2-01-001-09

Process Description:

SINGLE COMBUSTION TURBINE RATED AT 280  
MMBTU/HR FIRES No. 2 FUEL OIL



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Emission Source/Control: 00004 - Combustion

**Condition 1-12: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1-12.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00001      Emission Point: 00001  
Process: 201                      Emission Source: 00001

Regulated Contaminant(s):  
CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 1-12.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

All fuel burned in this unit is restricted to #2  
distillate oil. The sulfur content of this fuel, together  
with the sulfur content of any additives it contains,  
shall not exceed 0.20% by weight for the total mixture.

Fuel certifications provided by suppliers with each  
delivery, and the Material Safety Data Sheets or other  
analysis acceptable to the Department provided by the  
manufacturer showing sulfur content of any additive(s)  
being used, shall be maintained to demonstrate that this  
restriction has been met. These records must be available  
to the Department or EPA upon request during normal  
business hours.

The permittee will be responsible for assuring that the  
firing of this fuel can be safely accommodated by this  
unit.

Until this unit is decommissioned, all data from required  
monitoring, including the overall calculated sulfur  
content for all fuel used in this unit, shall be  
summarized in each semiannual report and annual compliance  
certification, required elsewhere in this permit.

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL



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Parameter Monitored: SULFUR  
Upper Permit Limit: 0.20 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2004.  
Subsequent reports are due every 6 calendar month(s).

**Condition 1-13: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

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

**Item 1-13.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00001      Emission Point: 00001  
Process: 201                      Emission Source: 00001

Regulated Contaminant(s):  
CAS No: 0NY075-00-0      PARTICULATES

**Item 1-13.2:**

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 (on a six minute block period) except for one six minute block 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a

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bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-14: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**



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**Applicable Federal Requirement: 6NYCRR 227-2.4(f)(2)(ii)**

**Item 1-14.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00001      Emission Point: 00001  
Process: 201                      Emission Source: 00001

Regulated Contaminant(s):  
CAS No: 0NY210-00-0      OXIDES OF NITROGEN

**Item 1-14.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

NOx emissions for this unit are limited to 9.0 grams per  
brake-horsepower per hour on a one hour average while  
firing distillate oil. Compliance with this limit will be  
achieved by permanently decommissioning this Fiat diesel  
generator.

The permittee must monitor the progress in meeting the  
terms of this condition by maintaining a written log of  
construction progress of the new turbine and the  
decommissioning of this unit's equipment.

The progress in meeting the terms of this condition shall  
be summarized in each semiannual report and annual  
compliance certification, required elsewhere in this  
permit, until such time as decommissioning has been  
completed.

Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 9.0 grams per brake horsepower-hour  
Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION  
Averaging Method: AVERAGING METHOD - SEE MONITORING  
DESCRIPTION  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-15: Compliance Plan**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-2.4(f)(2)(ii)**

**Item 1-15.1:**

Air Pollution Control Permit Conditions



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Compliance will be achieved according to the following schedule for the emission units, processes, sources or emission points specified in this permit:

Emission Unit: 2-00001    Emission Point: 00001  
Process: 201                Emission Source: 00001

Consent Order: None

**Item 1-15.2:**

Remedial Measure:

Schedule Date: 01/31/2004

The permittee must come into compliance with the 9.0 grams per bhp-hr NOx limit under Subpart 227-2. This will be done through the permanent shutdown and decommissioning of this diesel generator.

**Condition 1-16: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 1-16.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00001    Emission Point: 00001  
Process: 201                Emission Source: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0    PARTICULATES

**Item 1-16.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Particulate emissions for this unit are limited to 0.10 pounds per million Btu on a two hour average while firing distillate oil. Compliance with this limit will be achieved by permanently decommissioning this Fiat diesel generator.

The permittee must monitor the progress in meeting the terms of this condition by maintaining a written log of construction progress for the decommissioning of this unit's equipment.

The progress in meeting the terms of this condition shall

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be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit, until such time as decommissioning has been completed.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-17: Compliance Plan**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 1-17.1:**

Compliance will be achieved according to the following schedule for the emission units, processes, sources or emission points specified in this permit:

Emission Unit: 2-00001      Emission Point: 00001  
Process: 201                  Emission Source: 00001

Consent Order: None

**Item 1-17.2:**

Remedial Measure:

Schedule Date: 01/31/2004

The permittee must come into compliance with the 0.10 lbs. per million Btu particulate limit under 227.2(b)(1). This will be done through the permanent shutdown and decommissioning of this diesel generator.

**Condition 1-18: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1-18.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00002      Emission Point: 00002  
Process: 202                  Emission Source: 00002

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

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**Item 1-18.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

All fuel burned in this unit is restricted to #2 distillate fuel. The sulfur content of this fuel, together with the sulfur content of any additives it contains, shall not exceed 0.20% by weight for the total mixture.

Fuel certifications provided by suppliers with each delivery, and the Material Safety Data Sheets or other analysis acceptable to the Department provided by the manufacturer showing sulfur content of any additive(s) being used, shall be maintained to demonstrate that this restriction has been met. These records must be available to the Department or EPA upon request during normal business hours.

The permittee will be responsible for assuring that the firing of this fuel can be safely accommodated by this unit.

Until this unit is decommissioned, all data from required monitoring under this condition, including the overall calculated sulfur content for all fuel used in this unit, shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR

Upper Permit Limit: 0.20 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-19: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

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

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**Item 1-19.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00002      Emission Point: 00002  
Process: 202                      Emission Source: 00002

Regulated Contaminant(s):  
CAS No: 0NY075-00-0      PARTICULATES

**Item 1-19.2:**

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 (on a six minute block period) except for one six minute block 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two



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(2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-20: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-2.4(f)(2)(ii)**

**Item 1-20.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00002      Emission Point: 00002

Process: 202                      Emission Source: 00002

Regulated Contaminant(s):

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

**Item 1-20.2:**

Compliance Certification shall include the following monitoring:



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

Monitoring Description:

NOx emissions for this unit are limited to 9.0 grams per  
brake-horsepower per hour on a one hour average while  
firing distillate oil. Compliance with this limit will be  
achieved by permanently decommissioning this Fiat diesel  
generator.

The permittee must monitor the progress in meeting the  
terms of this condition by maintaining a written log of  
construction progress for the decommissioning of this  
unit's equipment.

The progress in meeting the terms of this condition shall  
be summarized in each semiannual report and annual  
compliance certification, required elsewhere in this  
permit, until such time as decommissioning has been  
completed.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 9.0 grams per brake horsepower-hour

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-21: Compliance Plan**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-2.4(f)(2)(ii)**

**Item 1-21.1:**

Compliance will be achieved according to the following schedule for the emission units, processes,  
sources or emission points specified in this permit:

Emission Unit: 2-00002      Emission Point: 00002  
Process: 202                  Emission Source: 00002

Consent Order: None

**Item 1-21.2:**

Remedial Measure:

Schedule Date: 01/31/2004

The permittee must come into compliance with the 9.0 grams  
per bhp-hr NOx limit under Subpart 227-2. This will be  
done through the permanent shutdown and decommissioning of

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this diesel generator.

**Condition 1-22: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 1-22.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00002      Emission Point: 00002  
Process: 202                      Emission Source: 00002

Regulated Contaminant(s):  
CAS No: 0NY075-00-0      PARTICULATES

**Item 1-22.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Particulate emissions for this unit are limited to 0.10 pounds per million Btu on a two hour average while firing distillate oil. Compliance with this limit will be achieved by permanently decommissioning this Fiat diesel generator.

The permittee must monitor the progress in meeting the terms of this condition by maintaining a written log of construction progress of the new turbine and the decommissioning of this unit's equipment.

The progress in meeting the terms of this condition shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit, until such time as decommissioning has been completed.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-23: Compliance Plan**



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**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 1-23.1:**

Compliance will be achieved according to the following schedule for the emission units, processes, sources or emission points specified in this permit:

Emission Unit: 2-00002    Emission Point: 00002  
Process: 202                      Emission Source: 00002

Consent Order: None

**Item 1-23.2:**

Remedial Measure:

Schedule Date: 01/31/2004

The permittee must come into compliance with the 0.10 lbs. per million Btu particulate limit under 227.2(b)(1). This will be done through the permanent shutdown and decommissioning of this diesel generator.

**Condition 1-24: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 1-24.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004    Emission Point: 00004  
Process: 203                      Emission Source: 00004

Regulated Contaminant(s):

CAS No: 007446-09-5    SULFUR DIOXIDE

**Item 1-24.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

All fuel burned in this unit is restricted to #2 distillate fuel. The sulfur content of this fuel, together with the sulfur content of any additives it contains, shall not exceed 0.20% by weight for the total mixture. Fuel certifications provided by suppliers with each delivery, and the Material Safety Data Sheets or other analysis acceptable to the Department provided by



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the manufacturer showing sulfur content of any additive(s) being used, shall be maintained to demonstrate that this restriction has been met. These records must be available to the Department or EPA upon request during normal business hours.

All data from required monitoring under this condition, including the overall calculated sulfur content for all fuel used in this unit, shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR

Upper Permit Limit: 0.20 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: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-25: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 204-1.4**

**Item 1-25.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004      Emission Point: 00004  
Process: 203                      Emission Source: 00004

Regulated Contaminant(s):  
CAS No: 0NY210-00-0      OXIDES OF NITROGEN

**Item 1-25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The annual operation of the Curtiss-Wright turbine is limited to 133 hours during the control period of May 1 through September 30 of each year. This limit will restrict emissions to 22.5 tons or below (i.e., 10% less

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than 25 tpy) during the control period from May 1 until September 30 of each year, and will therefore allow the permittee to avoid the NOx Budget requirements of Part 204. The 133 hour limit is based on the default NOx emission rate in Table LM-2 of 40 CFR 75.19 and the rated capacity of this unit.

During the control period, and at all other times, only the fuel oil specified in this permit can be burned.

The permittee shall record and track the dates and hours of operation of this turbine in a written log that will be available for inspection by the Department or EPA during normal business hours demonstrating that this limit has not been exceeded. The permittee shall retain, at the source, records for 5 years demonstrating that the operating hours restriction, the fuel use restriction, and the other requirements of this permit related to these restrictions were met. Additionally, the permittee shall report the unit's hours of operation (treating any partial hour of operation as a whole hour of operation) during each control period to the Department by November 1 of each year.

All data from monitoring required under this condition shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 133 hours

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-26: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-1.2(a)(1)**

**Item 1-26.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004 Emission Point: 00004



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Process: 203

Emission Source: 00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions for this unit are limited to 0.10 pounds per million Btu on a one hour basis. The owner or operator of this facility shall complete the following:

1. Within 30 days of the issuance of this permit, submit to the Department an acceptable protocol for testing for compliance with the particulate emissions limit cited in this condition for this unit.
2. Perform an initial stack test on this unit within 30 days of the approval of the protocol, following the approved protocol, to determine compliance with the particulate emission limit cited in this condition.
3. The results of stack tests shall be submitted to the Department within 30 days of the completion of the tests.

During stack testing, fuel flow shall be monitored and recorded. Opacity must also be monitored using EPA Method 9. The highest fuel flow rate for this turbine during normal future operation will thereafter be restricted to the maximum hourly rate recorded during stack testing. Continuous recording of fuel flow rate shall be conducted thereafter to demonstrate that the fuel flow restriction established during stack testing has not been exceeded.

The results of all required stack tests must be submitted to the EPA and to the Department within 30 days of the completion of testing.

In addition to the submission of the required stack test report, all data from any required testing and/or monitoring under this condition shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

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If the limit specified in this condition cannot be met by this unit, the permittee may renew its request for an exception to the particulate limit as provided for under subdivision 227-1.2(c).

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Per protocol

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-27: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

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

**Item 1-27.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004      Emission Point: 00004

Process: 203                      Emission Source: 00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0      PARTICULATES

**Item 1-27.2:**

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 (on a six minute block period) except for one six minute block 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.

Operators of air contamination sources that are not exempt from permitting and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the following:

1) Observe the stack(s) or vent(s) once per day for visible emissions. This observation(s) must be conducted

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during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- weather condition
- was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

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**Condition 1-28: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-2.4(e)(1)(ii)**

**Item 1-28.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004    Emission Point: 00004  
Process: 203                Emission Source: 00004

Regulated Contaminant(s):  
CAS No: 0NY210-00-0    OXIDES OF NITROGEN

**Item 1-28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emissions for this unit are limited to 100 ppmvd corrected to 15% O2 on a one hour average.

To demonstrate compliance with this limit, the owner or operator of this facility shall complete the following:

1. Within 30 days of the issuance of this permit, submit to the Department an acceptable protocol for testing for compliance with the NOx emission limit cited in this condition for this unit.
2. Perform an initial stack test on this unit within 30 days of the approval of the protocol, following the approved protocol, to determine compliance with the particulate emission limit cited in this condition.
3. The results of stack tests shall be submitted to the Department within 30 days of the completion of the tests.

During stack testing, fuel flow shall be monitored and recorded. Opacity must also be monitored using EPA Method 9. The highest fuel flow rate for this turbine during normal future operation will thereafter be restricted to the maximum hourly rate recorded during stack testing. Continuous recording of fuel flow rate shall be conducted to demonstrate that the fuel flow restriction has not been

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exceeded.

The results of all required stack tests must be submitted to the EPA and to the Department within 30 days of the completion of testing.

In addition to the submission of the required stack test report, all data from any required testing and/or monitoring required under this permit shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

If the limit specified in this condition cannot be met by this unit, the permittee may renew its request for the NOx RACT variance as provided for under subdivision 227-2.5(c).

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 100 parts per million by volume  
(dry, corrected to 15% O2)

Reference Test Method: Per protocol

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-29: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227-2.4(e)(4)**

**Item 1-29.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004      Emission Point: 00004  
Process: 203                  Emission Source: 00004

Regulated Contaminant(s):  
CAS No: 0NY210-00-0      OXIDES OF NITROGEN

**Item 1-29.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

NOx emissions for this unit are limited to 100 ppmvd corrected to 15% O2. This limit will apply only during



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the period from May 1st through September 15th per the provisions of paragraph 227-2.4(e)(4) related to peaking combustion turbines as long as the turbine operates fewer than 500 hours during the period of September 16 to April 30.

To show compliance with the 500 hour limit, the permittee shall record and track the dates and hours of operation of this turbine in a written log that is to be available for inspection by the Department or EPA during normal business hours demonstrating that this limit has not been exceeded.

All data from monitoring required under this condition shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 500 hours

Monitoring Frequency: AS REQUIRED - SEE MONITORING

DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -

SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 6 calendar month(s).

**Condition 1-30: Compliance Certification**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 1-30.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 2-00004 Emission Point: 00004

Process: 203 Emission Source: 00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-30.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:



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Particulate emissions for this unit are limited to 0.10 pounds per million Btu on a two hour basis while firing distillate oil. The owner or operator of this facility shall complete the following:

1. Within 30 days of the issuance of this permit, submit to the Department an acceptable protocol for testing for compliance with the particulate emissions limit cited in this condition for this unit.
2. Perform an initial stack test on this unit within 30 days of the approval of the protocol, following the approved protocol, to determine compliance with the particulate emission limit cited in this condition.
3. The results of stack tests shall be submitted to the Department within 30 days of the completion of the tests.

During stack testing, fuel flow shall be continuously monitored and recorded. The highest fuel flow rate for this turbine will thereafter be restricted to the maximum hourly rate recorded during stack testing. Continuous recording of fuel flow rate shall thereafter be conducted to demonstrate that the fuel flow restriction has not been exceeded.

The results of all required stack tests must be submitted to the EPA and to the Department within 30 days of the completion of testing.

In addition to the submission of the required stack test report, all data from any required testing and/or monitoring under this condition shall be summarized in each semiannual report and annual compliance certification, required elsewhere in this permit.

If the limit specified in this condition cannot be met by this unit, the permittee may renew its request for an exception to the particulate limit as provided for under subdivision 227.2(c).

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**STATE ONLY ENFORCEABLE CONDITIONS**

**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

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.

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.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable and are not subject to annual compliance certification requirements for Title V permits.**

**Condition 1-31: Contaminant List**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable State Requirement: ECL 19-0301**

**Item 1-31.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).



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CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

**Condition 1-32: Unavoidable noncompliance and violations**

**Effective between the dates of 11/26/2003 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-1.4**

**Item 1-32.1:**

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 issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. 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. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(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.



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(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.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 44: Air pollution prohibited**  
**Effective between the dates of 11/12/1998 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 44.1:**

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.