

**New York State Department of Environmental Conservation
Facility DEC ID: 1282004508**



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

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 1-2820-04508/00003
Effective Date: 11/04/2003 Expiration Date: No expiration date

Permit Type: Title IV (Phase II Acid Rain)
1-2820-04508/00004
Effective Date: 11/04/2003 Expiration Date: 11/04/2008

Permit Issued To: EQUUS POWER I LP
ONE RIVERCHASE PKWY S
BIRMINGHAM, AL 35244

Contact: PATRICK MOLONY
EQUUS POWER I LP
ONE RIVERCHASE PKWY SOUTH
BIRMINGHAM, AL 35244
(205) 987-5548

Facility: EQUUS FREEPORT POWER GENERATING STATION
289 BUFFALO AVE
FREEPORT, NY 11520

Contact: PATRICK MOLONY
EQUUS POWER I LP
ONE RIVERCHASE PKWY SOUTH
BIRMINGHAM, AL 35244
(205) 987-5548

Description:
NATURE OF BUSINESS AT THE FACILITY:

Electric power generation.

4911 (primary SIC) - Electrical and Other Services Combined

TYPE OF EQUIPMENT AND OPERATION AT THE FACILITY:

This facility will consist of one General Electric LM6000 gas turbine to be located on leased property on the Freeport Power Plant #2 site. The gas turbine shall fire natural gas with low sulfur distillate fuel oil as a backup. This LM-6000 will operate as a simple cycle unit, using a water injection system and a selective catalytic reduction system (SCR) for control of NOx emissions.

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AIR PERMIT APPLICABILITY:

Air state facility permit for a new facility (preconstruction permit). Within one year of the commencement of operation, EQUUS Power will be required to submit an application for a Title V permit.

CAPPING/NON-APPLICABLE RULES:

The permittee accepts permit limitations which requires the new emission unit operate below the applicability threshold for 6 NYCRR 231-2 (New Source Review). Potential emissions do not approach the applicability thresholds under 40 CFR 52.21 (Prevention of Significant Deterioration or PSD).

CONSENT ORDERS OR COMPLIANCE PLANS:

None.

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

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 1

HEADQUARTERS



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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transfer of ownership.

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

Item 4.1:

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 1 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 1 Headquarters
Division of Environmental Permits
SUNY Campus, Loop Road, Building 40
Stony Brook, NY 11790-2356
(631) 444-0365



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: EQUUS POWER I LP
ONE RIVERCHASE PKWY S
BIRMINGHAM, AL 35244

Facility: EQUUS FREEPORT POWER GENERATING STATION
289 BUFFALO AVE
FREEPORT, NY 11520

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



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6.3(a)(2): Title V Permit Requirement
- 2 6NYCRR 201-6.5(g): Non Applicable requirements
- 3 6NYCRR 202-1.1: Required Emissions Tests - Facility Level
- 4 6NYCRR 204-1.6: Permit requirements (facilities commencing operation on or after 01/00)
- 5 6NYCRR 204-2.1: Submissions to the Department.
- 6 6NYCRR 204-4.1: Contents of reports and compliance certifications.
- 7 6NYCRR 204-4.1: Discretionary report contents.
- 8 6NYCRR 204-4.1: Compliance Demonstration
- 9 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 10 6NYCRR 204-8.1: Prohibitions.
- 11 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 12 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 13 6NYCRR 204-8.3: Out of control periods.
- 14 6NYCRR 204-8.4: Compliance Demonstration
- 15 6NYCRR 204-8.7: Compliance Demonstration
- 16 6NYCRR 231-2: Facility Permissible Emissions
- 17 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 18 40CFR 60.7(a), NSPS Subpart A: Date of construction notification.
- 19 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 20 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.
- 21 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 22 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 23 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 24 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 25 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 26 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 27 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 28 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 29 40CFR 60.9, NSPS Subpart A: Availability of information.
- 30 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 31 40CFR 60.12, NSPS Subpart A: Circumvention.
- 32 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 33 40CFR 60.14, NSPS Subpart A: Modifications.
- 34 40CFR 60.15, NSPS Subpart A: Reconstruction
- 35 40CFR 72: Facility Subject to Title IV Acid Rain Regulations and Permitting

Emission Unit Level

EU=U-00001



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- *36 6NYCRR 231-2: Compliance Demonstration
- *37 6NYCRR 231-2: Compliance Demonstration
- 38 40CFR 60.334(a), NSPS Subpart GG: Compliance Demonstration

EU=U-00001,EP=EP001

- 39 6NYCRR 227-1.3(a): Compliance Demonstration

EU=U-00001,EP=EP001,Proc=OIL

- 40 6NYCRR 227-1.3: Compliance Demonstration
- *41 6NYCRR 231-2: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 42 ECL 19-0301: Contaminant List
- 43 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 44 6NYCRR 201-5: Facility Permissible Emissions
- 45 6NYCRR 201-5: Emission Unit Definition
- 46 6NYCRR 201-6.3(a)(3): Compliance Demonstration
- 47 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 48 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 49 6NYCRR 201-5: Process Definition By Emission Unit

EU=U-00001

- *50 6NYCRR 201-5: Compliance Demonstration
- 51 6NYCRR 201-5: Compliance Demonstration
- 52 6NYCRR 201-5: Compliance Demonstration
- 53 6NYCRR 201-5: Compliance Demonstration

EU=U-00001,EP=EP001,Proc=GAS

- 54 6NYCRR 201-5: Compliance Demonstration
- 55 6NYCRR 201-5: Compliance Demonstration
- 56 6NYCRR 201-5: Compliance Demonstration
- 57 6NYCRR 201-5: Compliance Demonstration
- 58 6NYCRR 201-5: Compliance Demonstration

EU=U-00001,EP=EP001,Proc=OIL

- 59 6NYCRR 201-5: Compliance Demonstration
- 60 6NYCRR 201-5: Compliance Demonstration
- 61 6NYCRR 201-5: Compliance Demonstration

NOTE: * preceding the condition number indicates capping.

Permit Effective Date: 11/04/2003

Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are federally enforceable. 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



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occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

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: 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 requirements, regulations, or law.

Item I: 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



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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 J: 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 K: 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 L: 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 M: 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

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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 N: Federally Enforceable Requirements - 40 CFR 70.6(b)

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 federally enforceable.

**Condition 1: Title V Permit Requirement
Effective between the dates of 11/04/2003 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 201-6.3(a)(2)

Item 1.1:

A Title V permit application must be submitted to the Department within one year of commencement of operation of this facility.

**Condition 2: Non Applicable requirements
Effective between the dates of 11/04/2003 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 201-6.5(g)

Item 2.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

6NYCRR 227-2

Reason: This facility is capping its emissions of oxides of



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nitrogen to below the major source threshold of 25 tpy for severe non-attainment ozone areas. As a result, it will not be subject to the provisions of NO_x RACT as provided under this regulation.

40CFR 52-A.21

Reason: Criteria pollutant emissions from this facility are well below the PSD thresholds of 250 tpy. Consequently, PSD requirements do not apply to this stationary source.

Condition 3: Required Emissions Tests - Facility Level
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 3.1:

An acceptable report of measured emissions shall be submitted, as required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

Condition 4: Permit requirements (facilities commencing operation on or after 01/00)
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 4.1: The NO_x authorized account representative of each NO_x budget unit shall submit to the Department a complete NO_x Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NO_x Budget unit commences operation.

Condition 5: Submissions to the Department.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-2.1

Item 5.1: Each submission under the NO_x Budget Trading Program shall be submitted, signed and certified by the NO_x authorized account representative for each NO_x Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NO_x authorized account representative.

Condition 6: Contents of reports and compliance certifications.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 6.1: The NO_x authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source



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and subject to the NOx Budget emissions limitation for the control period covered by the report:

(1) Identification of each NOx Budget unit; and

(2) In the compliance certification report the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx Budget Trading Program applicable to the unit, including:

- (i) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
- (ii) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with Subpart 204-8;
- (iii) Whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;
- (iv) Whether the facts that form the basis for certification under Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 204-8, if any, has changed; and
- (v) If a change is required to be reported under item (iv) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

Condition 7: Discretionary report contents.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 7.1: At the NOx authorized account representative's option the following may be included in the compliance certification report:

- (1) The serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under Section 204-6.5 for the control period; and
- (2) For units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with Subpart 204-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under Subdivision 204-6.5(e).

Condition 8: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-4.1

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Item 8.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more NOx Budget units at a source are subject to the NOx Budget emissions limitation, the NOx authorized account representative of the source shall submit to the Department and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 9: Submission of NOx allowance transfers.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-7.1

Item 9.1: The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:

- (a) The numbers identifying both the transferor and transferee accounts;
- (b) A specification by serial number of each NOx allowance to be transferred; and
- (c) The printed name and signature of the NOx authorized account representative of the transferor account and the date signed.

Condition 10: Prohibitions.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 10.1: No owner or operator of a NOx Budget unit or a non-NOx Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, NOx emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;



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(3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and
(4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:

- (i) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the Department for use at that unit that provides emission data for the same pollutant or parameter as the discontinued monitoring system; or
- (ii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

Condition 11: Requirements for installation, certification, and data accounting.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 11.1: The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

- (1) Install all monitoring systems required under this Subpart for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and air or fuel flow, in accordance with 40 CFR 75.71 and 75.72.
- (2) Install all monitoring systems for monitoring heat input, if required under Section 204-8.7 for developing NO_x allowance allocations.
- (3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.
- (4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 12: Requirements for recertification of monitoring systems.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 12.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NO_x mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that



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the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

Condition 13: Out of control periods.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 13.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 14: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 14.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Authorized Account Representative for a NO_x Budget unit shall submit written notice to the Department and the USEPA Administrator in accordance with the requirements of this subpart as follows:

All monitoring plans or monitoring plan modifications; compliance certifications, recertifications and quarterly QA/QC reports; and, petitions for alternative monitoring, shall be submitted to the USEPA Administrator (or his/her representatives) as well as two copies to the Department (one copy to the Regional Air Pollution Control Engineer (RAPCES) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office. All Authorized Account Representative changes shall be sent to the NYSDEC central office.

All quarterly emission data shall be electronically filed with the USEPA Clean Air Markets Division with a copy

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(disc or hard copy) to the NYSDEC offices.

The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division
401 M Street SW (6204J)
Washington D.C. 20460

CEM Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, N.J. 08837

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring and Enforcement
625 Broadway, 2nd Floor
Albany N.Y. 12233-3258

AAR changes should be sent to the attention of:

NYSDEC
Stationary Source Planning Section
Bureau of Air Quality Planning
625 Broadway, 2nd Floor
Albany NY 12233-3251

The address for the RAPCE is as follows:

NYS SUNY
Building 40
Stony Brook, NY 11790-2356

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 15: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 15.1:

The Compliance Demonstration activity will be performed for the Facility.



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Item 15.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NO_x Mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 16: Facility Permissible Emissions

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 231-2

Item 16.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0

PTE: 45,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 17: EPA Region 2 address.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 17.1:

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance

USEPA Region 2

290 Broadway, 21st Floor

New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the

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following address:

NYSDEC
Bureau of Quality Assurance
625 Broadway
Albany, NY 12233-3258

Condition 18: Date of construction notification.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(a), NSPS Subpart A

Item 18.1:

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, postmarked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, postmarked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR 60. The notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, postmarked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, postmarked not less than 30 days prior to such date; and
- 7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, postmarked not less than 30 days prior to the performance test.

Condition 19: Recordkeeping requirements.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(b), NSPS Subpart A

Item 19.1:



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Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

Condition 20: Excess emissions report.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(c), NSPS Subpart A

Item 20.1:

Affected owners or operators shall submit an excess emissions report and/or a summary report form (as defined in 40 CFR 60.7(d)) semi-annually (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be post marked no later than 30 days after each calendar quarter (or as appropriate), and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.

Condition 21: Excess emissions report.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(d), NSPS Subpart A

Item 21.1:

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

Condition 22: Facility files for subject sources.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.7(f), NSPS Subpart A

Item 22.1:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required



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by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 23: Performance testing timeline.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(a), NSPS Subpart A

Item 23.1:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 24: Performance test methods.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(b), NSPS Subpart A

Item 24.1:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in 40 CFR 60 or by alternative methods and procedures approved by the Administrator.

Condition 25: Required performance test information.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(c), NSPS Subpart A

Item 25.1:

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

Condition 26: Prior notice.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(d), NSPS Subpart A

Item 26.1:

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

Condition 27: Performance testing facilities.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(e), NSPS Subpart A

Item 27.1:

The following performance testing facilities shall be provided during all tests:



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- 1) sampling ports adequate for tests methods applicable to such facility;
- 2) a safe sampling platform;
- 3) a safe access to the sampling platform; and
- 4) utilities for sampling and testing equipment.

Condition 28: Number of required tests.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(f), NSPS Subpart A

Item 28.1:

Each performance test shall consist of three separate runs, at the specified duration required in the applicable test method. Compliance with all applicable standards shall be determined by using the arithmetic means of the results of the three runs.

Condition 29: Availability of information.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 29.1:

The availability to the public of information provided to, or otherwise obtained by, the Administrator under this part shall be governed by 40 CFR Part 2.

Condition 30: Opacity standard compliance testing.
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 30.1:

The following conditions shall be used to determine compliance with the opacity standards:

- 1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60 (or an equivalent method approved by the Administrator including continuous opacity monitors);
- 2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and
- 3) all other applicable conditions cited in section 60.11 of this part.

Condition 31: Circumvention.
Effective between the dates of 11/04/2003 and Permit Expiration Date

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Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 31.1:

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Condition 32: Monitoring requirements.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.13, NSPS Subpart A

Item 32.1:

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

Condition 33: Modifications.

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 33.1:

Within 180 days of the completion of any physical or operational change (as defined in section 60.14), compliance with the applicable standards must be achieved.

Condition 34: Reconstruction

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A

Item 34.1:

The following shall be submitted to the Administrator prior to reconstruction (as defined in section 60.15):

- 1) a notice of intent to reconstruct 60 days prior to the action;
- 2) name and address of the owner or operator;
- 3) the location of the existing facility;
- 4) a brief description of the existing facility and the components to be replaced;
- 5) a description of the existing air pollution control equipment and the proposed air pollution control equipment;

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6) an estimate of the fixed capital cost of the replacements and of constructing a comparable entirely new facility;

7) the estimated life of the facility after the replacements; and

8) a discussion of any economic or technical limitations the facility may have in complying with the applicable standards of performance after the proposed replacements.

**Condition 35: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 11/04/2003 and Permit Expiration Date**

Applicable Federal Requirement: 40CFR 72

Item 35.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.

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

**Condition 36: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 231-2

Item 36.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 36.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The permittee will monitor hours of operation while firing low sulfur distillate fuel oil and/or natural gas to keep NO_x emissions from this facility below 22.5 tons per year on an annual average basis rolled daily.

The following equation will be utilized to ensure his cap



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is not exceeded:

Hours on low sulfur distillate fuel oil*(distillate fuel oil emission rate (in lbs. NOx/hr)) plus Hours on Natural Gas*(Natural gas emission rate (in lbs. NOx per hour)) must be less than or equal to 45,000 lbs NOx

The permittee shall maintain a written log of the hours that this unit operates on low sulfur distillate fuel oil and natural gas, and will use the above formula to ensure that the NOx cap is not exceeded on an annual average, rolled daily.

The emission rates used in the above equation shall be as measured during stack testing required elsewhere in this permit.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.5 tons per year

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 37: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 231-2

Item 37.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 37.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall monitor emissions of oxides of nitrogen through the use of CEMs for NOx, required elsewhere in this permit. NOx emissions from this facility shall not exceed 22.5 tpy on an annual average basis rolled daily. The permittee shall maintain all



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records for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 22.5 tons per year
Reference Test Method: 40 CFR 75
Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL MAXIMUM ROLLED DAILY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 3 calendar month(s).

Condition 38: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.334(a), NSPS Subpart GG

Item 38.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Item 38.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of any stationary gas turbine subject to the provisions of 40CFR60 Subpart GG that is using water injection to control NOx emissions shall install and operate a continuous monitoring system to monitor and record fuel consumption and the ratio of water to fuel fired in the turbine. This system shall be accurate to within +/- 5.0 percent and shall be approved by the Administrator.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 39: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

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

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Item 39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Item 39.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 12 calendar month(s).

Condition 40: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.3

Item 40.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Process: OIL

Item 40.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil-fired internal combustion engines which 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:

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1) Observe the stack for each internal combustion engine which is operating on oil 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 firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), 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.

Monitoring Frequency: DAILY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION



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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 41: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 231-2

Item 41.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001
Process: OIL

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

Item 41.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The maximum number of gallons of low sulfur distillate fuel oil that can be fired is 1,145,000 gallons per year on an annual average, rolled daily. This number of gallons is equivalent to the number of gallons burned in 360 hours at 440 mmBtu/hr assuming 138,000 Btu/gal. The permittee shall continuously monitor fuel oil firing quantities, and track cumulative annual fuel use. Records shall be maintained for five years, and shall be available for inspection by the Department upon request.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Upper Permit Limit: 1145000 gallons per year

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).



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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Item B: 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.

Condition 42: Contaminant List
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 42.1:

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

CAS No: 007664-41-7
Name: AMMONIA

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

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

Condition 43: Unavoidable noncompliance and violations
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 43.1:

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



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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 superseded 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.

(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: Facility Permissible Emissions
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 44.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0

PTE: 165,800 pounds per year

Name: CARBON MONOXIDE

Condition 45: Emission Unit Definition
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5



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Item 45.1:

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

Emission Unit: U-00001

Emission Unit Description:

Emission Unit U-00001 represents a single General Electric LM6000 combustion turbine firing natural gas with low sulfur (0.05%) distillate fuel as backup. Unit is equipped with Selective Catalytic Reduction (SCR) and water injection to control NOx and an oxidation catalyst to control CO emissions. Unit vents through a 187-foot tall stack.

Condition 46: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-6.3(a)(3)

Item 46.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 46.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Within one year of the commencement of operation of the new turbine, the permittee must submit an application for a Title V permit that includes all of the applicable state and federal requirements that apply to the operation of the facility.

The monitoring and reporting frequency fields below do not apply to this condition.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 47: Air pollution prohibited

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 47.1:

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



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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.

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

Condition 48: Emission Point Definition By Emission Unit
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 48.1:

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

Emission Unit: U-00001

Emission Point: EP001

Height (ft.): 187

Diameter (in.): 126

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

Condition 49: Process Definition By Emission Unit
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 49.1:

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

Emission Unit: U-00001

Process: GAS

Source Classification Code: 2-01-002-01

Process Description:

Emission Unit U-00001, process GAS, represents a single GE LM6000 combustion turbine firing natural gas. Water injection and Selective Catalytic Reduction (SCR) will be employed for the control of NOx emissions. An oxidation catalyst will be employed to control CO emissions.

Emission Source/Control: CT001 - Combustion

Design Capacity: 462 million Btu per hour

Emission Source/Control: CO001 - Control

Control Type: CATALYTIC OXIDATION

Emission Source/Control: SCR01 - Control

Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

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Emission Source/Control: WI001 - Control
Control Type: WATER INJECTION

Item 49.2:

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

Emission Unit: U-00001

Process: OIL

Source Classification Code: 2-01-001-01

Process Description:

Emission Unit U-00001, process OIL, represents a single GE LM6000 combustion turbine firing low sulfur (0.05%) distillate fuel. Water injection and Selective Catalytic Reduction will be employed for the control of NOx emissions. An oxidation catalyst will be employed to control CO.

Emission Source/Control: CT001 - Combustion
Design Capacity: 462 million Btu per hour

Emission Source/Control: CO001 - Control
Control Type: CATALYTIC OXIDATION

Emission Source/Control: SCR01 - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Emission Source/Control: WI001 - Control
Control Type: WATER INJECTION

Condition 50: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 50.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 50.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)



New York State Department of Environmental Conservation

Permit ID: 1-2820-04508/00003

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Monitoring Description:

This facility shall install, calibrate, maintain, and operate a continuous emissions monitor for carbon monoxide, and shall insure that the annual cap indicated below is not exceeded on a 365 day average basis, rolled daily. This limit is being imposed as an indicator that the necessary degree of control is being achieved. All records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: CO Analyzer

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 82.9 tons per year

Reference Test Method: 40 CFR 75

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 51: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 51.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 007664-41-7 AMMONIA

Item 51.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator of the facility shall install, calibrate, maintain, and operate continuous emissions monitors for ammonia. The one hour average ammonia concentration shall be monitored continuously and shall not exceed 10 ppmv (dry, corrected to 15% O₂). All required records shall be kept at the facility for a minimum of five years.



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Permit ID: 1-2820-04508/00003

Facility DEC ID: 1282004508

Manufacturer Name/Model Number: Ammonia Analyzer
Parameter Monitored: AMMONIA
Upper Permit Limit: 10 parts per million by volume (dry,
corrected to 15% O₂)
Reference Test Method: 40 CFR 60 Appendix F
Monitoring Frequency: CONTINUOUS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 3 calendar month(s).

Condition 52: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 52.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Item 52.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owner or operator of this facility shall not operate the combustion turbine below 60 percent load (28.2 MW), except during periods of startup and shutdown. The owner or operator shall monitor and record the megawatt output of the combustion turbine continuously. These records shall be kept at the facility for a minimum of five years.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 3 calendar month(s).

Condition 53: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 53.1:

The Compliance Demonstration activity will be performed for:

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Emission Unit: U-00001

Item 53.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

A shutdown shall be defined as the period of time when the stop signal is initiated to when fuel is no longer being combusted in the engine, not to exceed 20 minutes per occurrence. The owner or operator shall record each period of shutdown and its duration. A report consisting of the recorded information shall be submitted to the Department quarterly with the facility's required excess emissions report. All records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: DURATION OF SHUTDOWN

Upper Permit Limit: 20 minutes

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER
OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 54: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 54.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Process: GAS

Regulated Contaminant(s):

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

Item 54.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)



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Permit ID: 1-2820-04508/00003

Facility DEC ID: 1282004508

Monitoring Description:

The owner or operator shall continuously monitor emissions of oxides of nitrogen. The limit below shall apply during periods of startup, not to exceed 30 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 15.0 pounds

Reference Test Method: 40 CFR 75

Monitoring Frequency: CONTINUOUS

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 55: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 55.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Process: GAS

Regulated Contaminant(s):

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

Item 55.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Stack concentrations of oxides of nitrogen from this unit is limited to 2.5 ppmv on a dry basis @ 15% oxygen while burning natural gas. This facility shall install, calibrate, maintain, and operate a continuous 40 CFR Part 75 emissions monitor for measuring and recording oxides of nitrogen. All records shall be maintained, at the facility, for a minimum of five years.



New York State Department of Environmental Conservation

Permit ID: 1-2820-04508/00003

Facility DEC ID: 1282004508

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 2.5 parts per million by volume
(dry, corrected to 15% O2)

Reference Test Method: 40 CFR 75
Monitoring Frequency: CONTINUOUS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 3 calendar month(s).

Condition 56: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 56.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001
Process: GAS

Item 56.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Start-up shall be defined as the period of time when the gas turbine begins firing natural gas fuel until the point when the control equipment operation has achieved a mass emission rate below 5.0 lbs/hr and a concentration rate of 2.5 ppmvd (at 15% O2) for oxides of nitrogen. This period shall be limited to a maximum of 30 minutes per occurrence. The owner or operator shall record each period of start-up and its duration. A report consisting of the recorded information shall be submitted to the Department quarterly with the facility's required excess emission report. All records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: DURATION OF START UP
Upper Permit Limit: 30 minutes
Monitoring Frequency: CONTINUOUS
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER
OCCURRENCE



New York State Department of Environmental Conservation

Permit ID: 1-2820-04508/00003

Facility DEC ID: 1282004508

Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 3 calendar month(s).

Condition 57: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 57.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001
Process: GAS

Regulated Contaminant(s):
CAS No: 000630-08-0 CARBON MONOXIDE

Item 57.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain and operate a continuous emissions monitor for carbon monoxide. This limit shall apply only during periods of start-up, not to exceed 30 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: CO Analyzer

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 24.1 pounds

Reference Test Method: 40 CFR 60

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER
OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 58: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

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Applicable State Requirement: 6NYCRR 201-5

Item 58.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001
Process: GAS

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

Item 58.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain and operate a continuous emissions monitor for oxides of nitrogen. This limit shall apply only during periods of shutdown, not to exceed 20 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 5.0 pounds

Reference Test Method: 40 CFR 75

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 59: Compliance Demonstration
Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 59.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001



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Facility DEC ID: 1282004508

Process: OIL

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

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

Item 59.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This permit requires the permittee to continuously monitor the emissions of oxides of nitrogen and carbon monoxide. The permittee shall maintain a record of the duration of startup and shutdown while firing low sulfur distillate fuel oil and determine the total pounds of oxides of nitrogen and carbon monoxide that are emitted during each startup and shutdown period. These records shall be submitted to the Department in conjunction with the quarterly excess emission report. The facility is required to submit a complete Title V application to the Department within one year of achieving commercial operation. The facility shall include proposed startup and shutdown limitations in their Title V application submission based upon the data collected under this condition. Upon issuance, these limitations shall become enforceable conditions in the Title V permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 60: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 60.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Process: OIL



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Permit ID: 1-2820-04508/00003

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Regulated Contaminant(s):

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

Item 60.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Stack concentrations of oxides of nitrogen from this unit is limited to 9.0 ppmv on a dry basis @ 15% oxygen while burning low sulfur distillate fuel oil. This facility shall install, calibrate, maintain, and operate a continuous 40 CFR Part 75 emissions monitor for measuring and recording oxides of nitrogen. All records shall be maintained, at the facility, for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 9.0 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: 40 CFR 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

Subsequent reports are due every 3 calendar month(s).

Condition 61: Compliance Demonstration

Effective between the dates of 11/04/2003 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 61.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001 Emission Point: EP001

Process: OIL

Item 61.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Sulfur content of the distillate fuel oil will not exceed

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0.05% by weight. Facility is voluntarily accepting a more restrictive sulfur in fuel limit than required by Applicable NYSDEC and EPA regulations.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.05 percent by weight
Monitoring Frequency: QUARTERLY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY
TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: QUARTERLY (ANNIVERSARY)
Initial Report Due: 03/04/2004 for the period 11/04/2003 through 02/03/2004