New York State Department of Environmental Conservation
Facility DEC ID: 2600700190

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 2-6007-00190/00002
Mod 0 Effective Date: 04/17/2001 Expiration Date: 04/16/2006

Mod 1 Effective Date: 06/16/2004 Expiration Date: 04/16/2006

Permit Issued To: CONSOLIDATED EDISON CO OF NY INC
4 IRVING PL RM 828
NEW YORK, NY 10003-3502

Contact: OLEG KROTOFF
CONSOLIDATED EDISON CO OF NY INC
4 IRVING PLACE - ROOM 828
NEW YORK, NY 10003
(212) 460-4413

Facility: HUNTS POINT AVENUE COMPRESSOR STATION
332 HUNTS POINT AVENUE
BRONX, NY 10474

Contact: OLEG KROTOFF
CONSOLIDATED EDISON CO OF NY INC
4 IRVING PLACE - ROOM 828
NEW YORK, NY 10003
(212) 460-4413

Description:
THIS FACILITY COMPRESSES NATURAL GAS AND PRESENTLY OPERATES ONE 37 MMBTU/HR COMBUSTION TURBINE. IN ADDITION, A NEW HEATER BUILDING WILL BE CONSTRUCTED WHICH WILL HOUSE TWO SMALL NATURAL GAS-FIRED WATER BATH HEATERS OF APPROXIMATELY 26 MMBTU/HR EACH AND A GAS-FIRED EMERGENCY GENERATOR. THE HEATERS WILL BE EQUIPPED WITH LOW NOX COMBUSTION AND WILL HEAT NATURAL GAS.

New York State Department of Environmental Conservation
Facility DEC ID: 2600700190

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: JOHN F CRYAN
DIVISION OF ENVIRONMENTAL PERMITS
ONE HUNTERS POINT PLAZA, 47-40 21ST STREET
LONG ISLAND CITY, NY 11101-5407

Authorized Signature: _____ Date: ___ / ___ / _____

New York State Department of Environmental Conservation
Facility DEC ID: 2600700190

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.

New York State Department of Environmental Conservation
Facility DEC ID: 2600700190

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
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 2 HEADQUARTERS

DEC GENERAL CONDITIONS
****** General Provisions ******
For the purpose of your Title V permit, the following section contains state-only enforcable terms and conditions
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 1-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 1-1.1:
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 1-1.2:
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 1-1.3:
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 1-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 1-2.1:
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.

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

Item 4.1:
The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 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 2 Headquarters
Division of Environmental Permits
1 Hunters Point Plaza, 4740 21st Street
Long Island City, NY 11101-5407
(718) 482-4997

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: CONSOLIDATED EDISON CO OF NY INC
4 IRVING PL RM 828
NEW YORK, NY 10003-3502

Facility: HUNTS POINT AVENUE COMPRESSOR STATION
332 HUNTS POINT AVENUE
BRONX, NY 10474

Authorized Activity By Standard Industrial Classification Code:
4924 - NATURAL GAS DISTRIBUTION

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS
Facility Level
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3 6NYCRR 200.6: Acceptable Ambient Air Quality
6 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
11 6NYCRR 201-3: Statement of Applicability to Regulation
26 6NYCRR 201-6: Emission Unit Definition
1-1 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
1-2 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
1-3 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
1-4 6NYCRR 201-6.5(e): Compliance Certification
31 6NYCRR 202-2.1: Compliance Certification
32 6NYCRR 202-2.5: Recordkeeping requirements
36 6NYCRR 207: Submittal of Episode Action Plans
38 6NYCRR 211.3: Compliance Certification
41 6NYCRR 227-2.1: This condition states the facility is applicable to NOx RACT.
42 6NYCRR 227-2.3: Compliance plans and deadlines.
43 6NYCRR 227-2.5(b): Compliance Certification
1-5 40CFR 68: Accidental release provisions.
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46 6NYCRR 201-6: Process Definition By Emission Unit

EU=H-P0005
47 6NYCRR 207.3(d): Episode action plans.
1-6 40CFR 60.333(b), NSPS Subpart GG: Compliance Certification
48 40CFR 60.334(b)(2), NSPS Subpart GG: Compliance Certification

EU=H-P0006,Proc=HTR,ES=B0001
1-7 6NYCRR 227-1.3(a): Compliance Certification
1-8 40CFR 60.40c, NSPS Subpart Dc: Applicability of this Subpart to this emission source
1-9 40CFR 60.48c, NSPS Subpart Dc: Recordkeeping and reporting.

EU=H-P0006,Proc=HTR,ES=B0002
1-10 6NYCRR 227-1.3(a): Compliance Certification
1-11 40CFR 60.40c, NSPS Subpart Dc: Applicability of this Subpart to this emission source
1-12 40CFR 60.48c, NSPS Subpart Dc: Recordkeeping and reporting.

STATE ONLY ENFORCEABLE CONDITIONS
Facility Level
1-13 ECL 19-0301: Contaminant List
1-14 6NYCRR 201-1.4: Unavoidable noncompliance and violations
52 6NYCRR 211.2: Air pollution prohibited

Mod 0 Permit Effective Date: 04/17/2001 Permit Expiration Date: 04/16/2006

Mod 1 Permit Effective Date: 06/16/2004 Permit Expiration Date: 04/16/2006

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

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

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

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**

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 - 6NYCRR 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

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

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

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

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)

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: False Statement
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 200.3

Item 1.1:
The provisions of 6NYCRR Part 200.3 apply to this facility.

Condition 3: Acceptable Ambient Air Quality
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 200.6

Item 3.1:
The provisions of 6NYCRR Part 200.6 apply to this facility.

Condition 6: Unavoidable Noncompliance and Violations
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 6.1:
At the discretion of the commissioner, a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable.

Condition 11: Statement of Applicability to Regulation
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 201-3

Item 11.1:
The requirements of 6 NYCRR Subpart 201-3 apply to all exempt and trivial activities at this facility.

Condition 26: Emission Unit Definition
Effective between the dates of 04/17/2001 and 04/16/2006

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: H-P0005
Emission Unit Description:
One combustion turbine rated at 37 MMBtu/hr. This turbine combusts only natural gas.

Building(s): COMPBUILD

Item 26.2(From Mod 1):
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: H-P0006
Emission Unit Description:
TWO SMALL HEATERS RATED AT 26 MMBTU/HR THAT FIRE NATURAL GAS ONLY. THE HEATERS ARE JOHNSTON BOILER MODEL PFTA600-4G125WG, 26 MMBTU/HR INPUT, 600 HORSEPOWER MAXIMUM RATED OUTPUT.

Condition 1-1: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-1.1:
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 1-2: Monitoring, Related Recordkeeping, and Reporting Requirements.
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-2.1:
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 1-3: Compliance Certification
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-3.1:
The Compliance Certification activity will be performed for the Facility.

Item 1-3.2:
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, 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.

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 Quality Assurance (BQA) 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.

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 10/30/2004.
Subsequent reports are due every 6 calendar month(s).

Condition 1-4: Compliance Certification
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-4.1:
The Compliance Certification activity will be performed for the Facility.

Item 1-4.2:
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 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 Quality Assurance (BQA) 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:

Hunters Point Plaza
47-40 21st Street
Long Island City, NY 11101-5407

The address for the BQA is as follows:

NYSDEC
Bureau of Quality Assurance
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 4/30/2002.
Subsequent reports are due on the same day each year

Condition 31: Compliance Certification
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 31.1:
The Compliance Certification activity will be performed for the Facility.

Item 31.2:
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 32: Recordkeeping requirements
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 32.1:
(a) The following records shall be maintained for at least five years:

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

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

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

Condition 36: Submittal of Episode Action Plans
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 207

Item 36.1:
An episode action plan must be submitted for approval by the Department in accordance with the requirements of 6NYCRR Part 207. The plan shall contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

Condition 38: Compliance Certification
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 211.3

Item 38.1:
The Compliance Certification activity will be performed for the Facility.

Item 38.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Equipment will be maintained according to the

manufacturer's recommendations which will minimize the opacity of the exhaust gases.

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

Condition 41: This condition states the facility is applicable to NOx RACT.
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 227-2.1

Item 41.1:
This facility is subject to NOx RACT.

Condition 42: Compliance plans and deadlines.
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 227-2.3

Item 42.1:
All existing combustion installations at major stationary sources of NOx subject to Subpart 227-2 shall by March 15, 1994 identify measures necessary to achieve compliance with Subpart 227-2. Requirements contained in an permit(s) to construct or certificates to operate in effect which are more restrictive than those contained in this Subpart, or which impose additional requirements beyond those contained in this Subpart, will remain in effect. Small boilers are not subject to this section. Any owner or operator of a facility subject to this section must submit to the Department an operating plan acceptable to the Department (items to be included at a minimum are listed in 227- 2.3g).

Condition 43: Compliance Certification
Effective between the dates of 04/17/2001 and 04/16/2006

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

Item 43.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 43.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Con Edison's system-wide averaging of NOx emissions from its facilities shall be performed in accordance with the

March 15, 1994, NOx RACT Compliance Plan, updated January 31, 2000; the February 15, 1995, NOx RACT Operating Plan, updated February 18, 2000; the June 15, 1994, letter from the Department's Thomas R. Cullen to Con Edison's Dominick J. Mormile; the revised May 1, 1998, NOx RACT Operating Plan and the October 12, 1999, letter from the Department's Dennis B. Sullivan to Con Edison's Les Cohen.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2001.
Subsequent reports are due every 3 calendar month(s).

Condition 1-5: Accidental release provisions.
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 68

Item 1-5.1:
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;

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

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

Condition 45: Emission Point Definition By Emission Unit
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 45.1(From Mod 1):
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: H-P0006

Emission Point: B0001
Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4518. NYTME (km.): 594.2 Building: HTRBLDG

Emission Point: B0002
Height (ft.): 30 Diameter (in.): 24
NYTMN (km.): 4518. NYTME (km.): 594.2 Building: HTRBLDG

Item 45.2(From Mod 0):
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: H-P0005

Emission Point: GT001
Height (ft.): 20 Length (in.): 40 Width (in.): 40
NYTMN (km.): 4518.023 NYTME (km.): 594.233 Building: COMPBUILD

Condition 46: Process Definition By Emission Unit
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 46.1(From Mod 1):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: H-P0005
Process: GTN Source Classification Code: 2-01-002-01
Process Description:
This process includes: one (1) combustion turbine rated
at 37 MMBtu/hr. This turbine combusts only natural gas.

Emission Source/Control: GT001 - Combustion
Design Capacity: 37 million Btu per hour

Item 46.2(From Mod 1):
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: H-P0006
Process: HTR Source Classification Code: 3-10-004-04
Process Description:
NATURAL GAS IS FIRED IN TWO (2) SMALL

HEATERS RATED AT 26 MMBTU/HR EACH.

Emission Source/Control: B0001 - Combustion
Design Capacity: 26 million Btu per hour

Emission Source/Control: B0002 - Combustion
Design Capacity: 26 million Btu per hour

Condition 47: Episode action plans.
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 6NYCRR 207.3(d)

Item 47.1:
This Condition applies to Emission Unit: H-P0005

Item 47.2:
Any person who owns an air contamination source for which an episode action plan has been issued or approved shall take whatever actions are prescribed by this episode action plan when an air pollution episode is in effect.

Condition 1-6: Compliance Certification
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.333(b), NSPS Subpart GG

Item 1-6.1:
The Compliance Certification activity will be performed for:

Emission Unit: H-P0005

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

Item 1-6.2:
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 stationary gas turbine subject to 40CFR60 Subpart GG shall burn in that turbine any fuel which contains sulfur in excess of 0.8 percent by weight. The owner or operator shall monitor sulfur content of the fuel being fired in the turbine according to the frequency specified in 40CFR60.334(b).

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.8 percent by weight
Reference Test Method: epa approved
Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2004.
Subsequent reports are due every 6 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.334(b)(2), NSPS Subpart GG

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

Emission Unit: H-P0005

Item 48.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
The facility obtained a variance from the USEPA for the monitoring requirements specified in 40 CFR 60 - GG.334(b)(2) for sulfur and nitrogen content in the natural gas which is supplied via pipeline and fired in the stationary gas turbine. A custom schedule was approved by the USEPA on October 18, 1999. This schedule shall be considered part of the Title V permit. The sampling and analysis of natural gas for sulfur content shall be conducted in accordance with the custom fuel monitoring schedule. As per the schedule, no monitoring for nitrogen is required while natural gas is the only fuel fired in the gas turbine.

Reference Test Method: 40 CFR 60 - GG
Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION
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 10/30/2001.
Subsequent reports are due every 6 calendar month(s).

Condition 1-7: Compliance Certification
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-7.1:
The Compliance Certification activity will be performed for:

Emission Unit: H-P0006
Process: HTR Emission Source: B0001

Item 1-7.2:
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 operate the installation in such a way to 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
Reference Test Method: Method 9
Monitoring Frequency: ANNUALLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 1-8: Applicability of this Subpart to this emission source
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.40c, NSPS Subpart Dc

Item 1-8.1:
This Condition applies to Emission Unit: H-P0006
Process: HTR Emission Source: B0001

Item 1-8.2:
This emission source is subject to the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

Condition 1-9: Recordkeeping and reporting.
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.48c, NSPS Subpart Dc

Item 1-9.1:
This Condition applies to Emission Unit: H-P0006
Process: HTR Emission Source: B0001

Item 1-9.2:
The facility shall maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

Condition 1-10: Compliance Certification
Effective between the dates of 06/16/2004 and 04/16/2006

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

Item 1-10.1:
The Compliance Certification activity will be performed for:

Emission Unit: H-P0006
Process: HTR Emission Source: B0002

Item 1-10.2:
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 operate the installation in such a way to 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
Reference Test Method: Method 9
Monitoring Frequency: ANNUALLY
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2005.
Subsequent reports are due every 12 calendar month(s).

Condition 1-11: Applicability of this Subpart to this emission source

Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.40c, NSPS Subpart Dc

Item 1-11.1:
This Condition applies to Emission Unit: H-P0006
Process: HTR Emission Source: B0002

Item 1-11.2:
This emission source is subject to the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

Condition 1-12: Recordkeeping and reporting.
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable Federal Requirement: 40CFR 60.48c, NSPS Subpart Dc

Item 1-12.1:
This Condition applies to Emission Unit: H-P0006
Process: HTR Emission Source: B0002

Item 1-12.2:
The facility shall maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 1-13: **Contaminant List**
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable State Requirement: ECL 19-0301

Item 1-13.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

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

Condition 1-14: Unavoidable noncompliance and violations
Effective between the dates of 06/16/2004 and 04/16/2006

Applicable State Requirement: 6NYCRR 201-1.4

Item 1-14.1:
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.

(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 52: Air pollution prohibited
Effective between the dates of 04/17/2001 and 04/16/2006

Applicable State Requirement: 6NYCRR 211.2

Item 52.1:
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.