



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6101-00042/00011  
Mod 0 Effective Date: 03/11/2008 Expiration Date: 03/10/2013  
Mod 1 Effective Date: Expiration Date:

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

Contact: FEMI OGUNSOLA  
CONSOLIDATED EDISON CO OF NY INC  
4 IRVING PL - RM 828  
NEW YORK, NY 10003-3502  
(212) 460-1223

Facility: CON EDISON - HUDSON AVE STATION  
1 HUDSON AVE  
BROOKLYN, NY 11201

Contact: FEMI OGUNSOLA  
CONSOLIDATED EDISON CO OF NY INC  
4 IRVING PL - RM 828  
NEW YORK, NY 10003-3502  
(212) 460-1223

Description:

**PERMIT DESCRIPTION**  
**Con Edison - Hudson Avenue Station**  
**DEC ID # 2-6101-00042/00011 (Ren 1, Mod 1) ATV**

The Air Title V Permit Renewal 1 is modified to include conditions recently promulgated under regulations 6 NYCRR Parts 243. This regulation requires facilities to obtain/possess at least as many allocations of oxides of nitrogen (NOx) as they emit into the atmosphere during a specified period of time. An allocation is a unit of pollution which is limited by a budget established by this regulation. The Department developed this regulation in response to the United States Environmental Protection Agencies (EPA's) recent Clean Air Interstate Rule (CAIR). The regulation is included in New York's State Implementation Plan (SIP) which has been approved by EPA as required by the Clean Air Act of 1990.

This project is a major modification to place the applicable Clean Air Interstate Rule (CAIR) rules in Con Edison - Hudson Ave Station's Title V permit. The



permit conditions for the CAIR NO<sub>x</sub> Ozone Season Trading Program, 6 NYCRR 243 is added to the permit modification. This regulation replaces Part 204 in the year 2009 and reduces the state-wide ozone-season NO<sub>x</sub> allocation by 335 in the year 2015 compared with the current Part 204 allocation. The permit conditions include emission monitoring, record keeping, reporting and certification requirements are added to the permit.

Consolidated Edison Hudson Avenue Station in Brooklyn, New York, is a Title V facility, generating an electricity and steam. The Title V application is submitted to renew the Title V permit that is due to expire on 8/12/2007. The facility operates the following two emission units:

Emission Unit H-A0001 consists of four very large boilers, Boilers 71, 72, 81, and 82 (Emission Sources 00071, 00072, 00081 & 00082, respectively), which are also face fired. Boiler 82 (Emission Source 00082) is rated at 664 MMBTU/hr, and the other three boilers are rated at 688 MMBTU/hr. The four boilers began operating on 12/1/1932. These four boilers can combust residual oil (Process ROL), distillate oil as igniter fuel, residual oil and a fuel additive (prior to combustion) to improve boiler operation (Process ROF), and have kerosene ignition capability. These boilers may also have natural gas capability in the future. The emissions from these four very large boilers exhaust through one common stack, identified as Emission Point 00004.

Emission Unit H-A0005 consists of three simple cycle combustion turbines (Emission Sources GT003, GT004 & GT005) utilized to generate electricity. These three combustion turbines are rated at 235 MM Btu/hr each. The three combustion turbines began operating on 7/1/1970. The three combustion turbines burn distillate fuel oil (Process GTD) only. Combustion turbine No. 3 (Emission Source GT003) is equipped with a diesel stater engine. The emissions from each of these three combustion turbines (Emission Sources GT003, GT004 & GT005) exhaust through its own separate stack, identified as Emission Points GT003, GT004 & GT005, respectively.

The facility operates other sources which are considered exempt from permitting in accordance with 6 NYCRR 201-3.2(c), including three (3) emergency power generators (<500 hrs/yr), seven (7) distillate and residual fuel oil storage tanks with storage capacities <300,000 bbls, and one (1) ventilating and exhaust system for laboratory operations.

The Title V permit contains a complete listing of the applicable federal, state and compliance monitoring requirements for the facility, its emission units and emission points. The facility is required to comply with the following permit conditions:



1. As per Condition # 5 for 6 NYCRR 201-6.5(c)(3)(ii), the facility is required to comply with the monitoring conditions in the permit. This condition specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. The facility must submit reports of any required monitoring to the NYSDEC every six months. These reports are due on January 30th and July 30th of each year.

2. As per Conditions # 6 for 6 NYCRR 201-6.5(e), the facility must submit an annual compliance certification to the NYSDEC and the USEPA. This certification is due on January 30th of each year. Annual tune ups requirements have been added under 201-6.5(e) to assure proper operation of Boilers 71, 72, 81 & 82.

3. As per Condition # 7 for 6 NYCRR 202-2.1, the facility must submit an annual emission statement to the DEC by April 15th of each year. The data incorporated into the emission statement are used to determine the annual Title V fee paid by the facility.

4. As per Condition # 26 for 6 NYCRR 204-4.1, the facility must submit a compliance certification report in which the emission units subject to the NOx Budget Trading Program requirements are identified and the compliance status of each unit with respect to the NOx Budget Trading Program is presented.

5. As per Condition # 30 for 6 NYCRR 204-8.2, the facility must collect certain data via a certification test which are then used to determine the quantity of NOx Allowances that are required for each unit each year. These data include heat input and NOx emissions during the duration of the certification test.

6. As per Condition # 32 for 6 NYCRR 204-8.4: This condition is a requirement setting forth the agencies where reports generated pursuant the NOx Budget Trading Program must be submitted.

7. As per Condition # 33 for 6 NYCRR 204-8.7, the facility must monitor the heat input for all emission units subject to the NOx Budget Trading Program on a hourly basis as required per Section 204-8.7.6

8. As per Condition # 34 for 6 NYCRR Part 207.3(d), the facility when subject to this regulation, shall take the actions described by the most recently approved episode action plan when an air pollution episode is in effect. The commissioner designates by order when an episode exists. The most recent



approved episode action plan, dated October 28, 1997, is available at the regional office. The episode action plan has procedures for responding to an episode action, and requirements for maintaining an air pollution episode log.

9. As per Condition # 35 for 6 NYCRR 225-1.2(a)(2), the facility shall purchase distillate fuel oil (Number 2 fuel oil) with sulfur content less than or equal to 0.20 percent by weight. The sulfur content must be determined on a per delivery basis. The requisite analyses may be conducted by the oil supplier or by the facility.

10. As per Condition # 36 for 6 NYCRR 225-1.2(a)(2), the facility shall purchase residual fuel oil (Number 6 fuel oil) with sulfur content less than or equal to 0.30 percent by weight. The sulfur content must be determined on a per delivery basis. The requisite analyses may be conducted by the oil supplier or by the facility.

11. As per Condition # 38 for 6 NYCRR 225-1.7(c), the facility must record the following data on a daily basis: fuel usage, electrical output, heat content and ash and sulfur content of the fuel.

12. As per Condition # 41 for 6 NYCRR 225-7(a), the facility is required to submit monthly reports containing the following information to the Department: Fuel analyses, quantity of each type of fuel received and consumed, and the results of any stack test conducted at the facility.

13. As per Condition # 1-1 for 6 NYCRR 227-1.3, this condition is a mandatory opacity condition in all of Con Ed's Title V permits. It is a part of the Consent Order for Con Ed. The opacity of the combustion sources at this facility is restricted under Consent Order D2-0003-97 by Condition # 1-1. Appendix A of the consent order specifies the elements of Con Edison's ongoing opacity reduction program is attached to this permit, which constitutes an enforceable part of the permit. The consent order referenced in the permit is available for review at the regional office upon request. The facility is required to keep records and submit reports for the following:

- a. Opacity Incident Reporting
  - b. Opacity Reporting Compliance Audits
  - c. Awareness, Communications and Training
  - d. Preventive Maintenance
  - e. Root Cause Analysis and Corrective Actions
6. Quarterly Reports must be submitted each May 15, August 15, November 15 & February 15.



14. As per Condition # 43 for 6 NYCRR Part 227-2.5(b), the facility must comply with the NO<sub>x</sub> RACT Compliance Plan. The type of combustion units at the Hudson Avenue Station are subject to the NO<sub>x</sub> RACT standards set forth at 6 NYCRR 227-2.4. Con Edison has a number of such units in the New York City metropolitan area. Some of these units have NO<sub>x</sub> emission rates that exceed the NO<sub>x</sub> RACT standards, while others have emission rates below the standard. However, pursuant to 6 NYCRR 227-2.5(b), Con Edison is allowed to average emissions from the various units to demonstrate overall compliance with the NO<sub>x</sub> RACT standards. The most recent approved averaging plan is appended to the Title V Permit for the Hudson Avenue Station.

The Con Edison system wide averaging plan includes 11 Very Large boilers, 25 Large boilers, 6 peaking simple cycle combustion turbines and two simple cycle combustion turbine compressors. Since the turbines are operated on a limited as-needed basis, they qualify as peaking combustion turbines per the definition of 6 NYCRR Part 227-2.2(b)(9). All the boilers and simple cycle combustion turbines (SCCTs) are included in the system-wide averaging during the ozone season (May 1 through September 30). The peaking simple cycle combustion turbines that operate less than 500 hours during the non-ozone season (October 1 through April 30) are excluded from the system-wide averaging for the non-ozone season.

System-wide heat input weighted average actual NO<sub>x</sub> emission rates in lbs/mmBtu for the compliance period (24-hour or 30 day rolling) are calculated by dividing the sum of all source mass emissions (in pounds of NO<sub>x</sub>) by the heat input (in million Btus) of fuel burned by all the sources. During the ozone season the system wide heat input weighted average actual emissions are determined on a 24 hour basis. During the non- ozone season system-wide heat input weighted average actual NO<sub>x</sub> emission rates are calculated on a 30 day rolling average basis.

If Con Edison Hudson Ave was not part of a system wide averaging plan, the NO<sub>x</sub> RACT emission limits for Boilers 71, 72, 81, and 82, would be 0.25 lbs/MM Btu when burning gas or oil, and for the turbines, the limit would be 100 ppmvd, corrected to 15 percent oxygen when burning oil. Since these units are part of a system wide averaging plan, these limits do not apply to these units. Boilers 71, 72, 81 & 82 use low NO<sub>x</sub> burners and low excess air operation, as RACT. Boiler annual tune ups are required under 201-6.5(e). The boilers have continuous monitoring systems for NO<sub>x</sub> installed in the stacks. The actual NO<sub>x</sub> emission rate of the turbines is determined by stack tests conducted once every three years. Condition cited under 6 NYCRR 227-2.6(c) pertains to the three combustion turbines.



The following eight Con Edison facilities are included in the current approved system wide averaging plan;

59th Street Station,  
850 Twelfth Avenue  
New York, NY 10019  
10021

East 60th Street Station  
514 East 60th Street  
New York, NY 10022

74th Street Station  
506 East 75th Street  
New York, NY

Astoria LNG Facility  
Station  
31-01 20th Avenue  
Avenue  
Queens, NY 11101  
11201

East River Station  
801 East 14th Street  
New York, NY 10009

Hudson Avenue  
1-11 Hudson  
Brooklyn, NY

Hunt's Point Compressor Station  
332 Hunts Point Avenue  
Bronx, NY 10474

The NOX RACT Compliance plan, revised on June 7, 2005, is available for review at the regional office, upon request.

15. As per Condition # 47 for 6 NYCRR 227-1.3 for the four boilers in Emission Unit H-A0001, Boilers 71, 72, 81 & 82. (Emission Sources 00071, 00072, 00081 & 00082) and Emission Point 00004. The facility shall operate a Continuous Opacity Monitoring System (COMS) to monitor the opacity of the emissions from the stack for Boilers 71, 72, 81 and 82. The facility is required to submit quarterly reports to the Department in which all cases where the opacity was in excess of 20% (over a six-minute period) are documented. In addition, the facility must also identify all periods of time when the COMS was not operating.

Also, the opacity of the combustion sources at this facility is restricted under Consent Order D2-0003-97 by Condition # 1-1. Appendix A of the consent order specifies the elements of Con Edison's ongoing opacity reduction program is attached to this permit, which constitutes an enforceable part of the permit. The consent order referenced in the permit is available for review at the regional office upon request.

16. As per Condition # 1-1 for 6 NYCRR 227-1.3, the facility shall operate a Continuous Opacity Monitoring System (COMS) to monitor the opacity of the emissions from the stack for Boilers 71, 72, 81 and 82. The facility is required to submit quarterly reports to the Department in which all cases where the opacity was in excess of 20% (over a six-minute period) are documented. In



addition, the facility must also identify all periods of time when the COMS was not operating.

17. As per Condition # 48 for 6 NYCRR 227-1.2(a)(1), the facility must conduct a stack test every three years to measure particulate emissions from Boilers 71, 72, 81 and 82 in order to demonstrate compliance with the particulate emission limit of 0.10 lb/MMBTU heat input. Conditions requiring annual tune ups have been added under 201-6.5(e) to assure proper operation of boilers during the interim period between tests.

18. As per Condition # 49 for 6 NYCRR 227-2.6 ( c), in order for the facility to comply with the NOx emission rates for each of the three combustion turbines, the facility must conduct a stack test for each turbine every three years.

19. As per Condition # 50 for 6 NYCRR 227.2(b)(1) for Combustion Turbine No. 3 ( Emission Source GT003) in Emission Unit H-A0005 operating on Process GTD. The facility must conduct a stack test every three years to measure the particulate emissions from each of the three (3) combustion turbines in order to demonstrate compliance with the particulate emission limit of 0.10 lb/MMBTU heat input.

20. As per Condition # 51 for 6 NYCRR 227.2(b)(1) for Combustion Turbine No. 4 (Emission Source GT004) in Emission Unit H-A0005 operating on Process GTD. The facility must conduct a stack test every three years to measure the particulate emissions from each of the three (3) combustion turbines in order to demonstrate compliance with the particulate emission limit of 0.10 lb/MMBTU heat input.

21. As per Condition # 52 for 6 NYCRR 227.2(b)(1) for Combustion Turbine No. 5 (Emission Source GT005) in Emission Unit H-A0005 operating on Process GTD. The facility must conduct a stack test every three years to measure the particulate emissions from each of the three (3) combustion turbines in order to demonstrate compliance with the particulate emission limit of 0.10 lb/MMBTU heat input.

22. As per Condition # 53 for 6 NYCRR 227-1.3(a), the facility must comply with this particulates condition for Combustion Turbine No. 3 (Emission Source GT003 & Emission Point GT003) in Emission Unit H-A0005 operating on Process GTD. The opacity limit for the stacks for the three combustion turbines is 20% over a six-minute period with no more than one six-minute period per hour of more than 27% opacity. In order to demonstrate compliance with this requirement, the stacks will be visually checked once per day for visible emissions. If visible emissions are observed on two consecutive days, then the



facility must have a Method 9 analysis conducted within two business days for the stack(s) where visual emissions were observed. The purpose of the Method 9 analysis is to quantify the opacity.

23. As per Condition # 54 for 6 NYCRR 227-1.3(a), the facility must comply with this particulates condition for Turbine No. 4 (Emission Source GT004 & Emission Point GT004) in Emission Unit H-A0005 operating on Process GTD. The opacity limit for the stacks for the three combustion turbines is 20% over a six-minute period with no more than one six-minute period per hour of more than 27% opacity. In order to demonstrate compliance with this requirement, the stacks will be visually checked once per day for visible emissions. If visible emissions are observed on two consecutive days, then the facility must have a Method 9 analysis conducted within two business days for the stack(s) where visual emissions were observed. The purpose of the Method 9 analysis is to quantify the opacity.

24. As per Condition # 55 for 6 NYCRR 227-1.3(a), the facility must comply with this particulates condition for Turbine No. 5 (Emission Source GT005 & Emission Point GT005) in Emission Unit H-A0005 operating on Process GTD. The opacity limit for the stacks for the three combustion turbines is 20% over a six-minute period with no more than one six-minute period per hour of more than 27% opacity. In order to demonstrate compliance with this requirement, the stacks will be visually checked once per day for visible emissions. If visible emissions are observed on two consecutive days, then the facility must have a Method 9 analysis conducted within two business days for the stack(s) where visual emissions were observed. The purpose of the Method 9 analysis is to quantify the opacity.

Conditions for 6 NYCRR 227-3 that were in previous permits have been replaced by Part 204 conditions in this permit. Also, Boiler 100 was shut down on September 18, 2004, and the Annex emergency generator is not operational after the shut down of Boiler 100. All the conditions pertaining to Boiler 100 and the emergency generator have been removed from the permit.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: JOHN F CRYAN  
NYSDEC  
47-40 21ST ST  
LONG ISLAND CITY, NY 11101-5407

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 compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

**Item B: Permittee's Contractors to Comply with Permit**

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

**Item C: Permittee Responsible for Obtaining Other Required Permits**

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

**Item D: No Right to Trespass or Interfere with Riparian Rights**

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



## **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, modifications and transfers  
Permit modifications, suspensions or revocations by the Department  
Permit modifications, suspensions or revocations by the Department

#### **Facility Level**

Submission of application 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 enforceable 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 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before 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 transfer of ownership.



**Condition 1-1: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-1.1:**

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 or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Expired by Mod No: 1**

**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 application for permit modification or renewal - REGION 2 HEADQUARTERS**

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

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 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 COMPANY OF NEW YORK INC  
4 IRVING PL RM 828  
NEW YORK, NY 10003-3502

Facility: CON EDISON - HUDSON AVE STATION  
1 HUDSON AVE  
BROOKLYN, NY 11201

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES  
4931 - ELEC & OTHER SERVICES COMBINED  
4961 - STEAM SUPPLY

Permit Effective Date:

Permit Expiration Date:



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 24 6 NYCRR Subpart 201-6: Emission Unit Definition
- 1-1 6 NYCRR 227-1.3: Compliance Certification
- 42 : Compliance Certification
- 1-2 6 NYCRR 243-1.6 (a): Permit Requirements
- 1-3 6 NYCRR 243-1.6 (b): Monitoring requirements
- 1-4 6 NYCRR 243-1.6 (c): NOx Ozone Season Emission Requirements
- 1-5 6 NYCRR 243-1.6 (d): Excess emission requirements
- 1-6 6 NYCRR 243-1.6 (e): Recordkeeping and reporting requirements
- 1-7 6 NYCRR 243-2.1: Authorization and responsibilities of CAIR  
designated representative
- 1-8 6 NYCRR 243-2.4: Certificate of representation
- 1-9 6 NYCRR 243-8.1: General requirements
- 1-10 6 NYCRR 243-8.1: Prohibitions
- 1-11 6 NYCRR 243-8.3: Out of control periods
- 1-12 6 NYCRR 243-8.5 (d): Quarterly reports
- 1-13 6 NYCRR 243-8.5 (e): Compliance certification

#### Emission Unit Level

- 44 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 45 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 56 ECL 19-0301: Contaminant List
- 1-14 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 57 : Unavoidable noncompliance and violations
- 1-15 6 NYCRR 211.2: Air pollution prohibited
- 58 : Air pollution prohibited



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Emergency Defense - 6 NYCRR 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 B: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 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 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.



- Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR 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 D: Certification by a Responsible Official - 6 NYCRR 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 E: Requirement to Comply With All Conditions - 6 NYCRR 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 F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 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 G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 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 H: Property Rights - 6 NYCRR 201-6.5 (a) (6)**  
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR 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 J: Permit Shield - 6 NYCRR 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 K: Reopening for Cause - 6 NYCRR 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 L: 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 M: 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.

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

**Condition 24: Emission Unit Definition**  
**Effective between the dates of 03/11/2008 and Permit Expiration Date**

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

**Item 24.1(From Mod 1):**

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

Emission Unit: H-A0001

Emission Unit Description:

Emission Unit H-A0001 consists of four very large boilers, Boilers 71, 72, 81, and 82 (Emission Sources 00071, 00072, 00081 & 00082, respectively), which are also face fired. Boiler 82 (Emission Source 00082) is rated at 664 MMBTU/hr, and the other three boilers are rated at 688 MMBTU/hr. These four boilers can combust residual oil (Process ROL), distillate oil as igniter fuel, residual oil and a fuel additive may be mixed into the residual oil prior to combustion to improve boiler operation (Process ROF), and have kerosene ignition capability. These boilers may also have natural gas capability in the future. The emissions from these four very large boilers exhaust through one common stack, identified as Emission Point 00004.

Building(s): BOILERHS

**Item 24.2(From Mod 1):**

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

Emission Unit: H-A0005

Emission Unit Description:

Emission Unit H-A0005 consists of three simple cycle combustion turbines (Emission Sources GT003, GT004 &



GT005) utilized to generate electricity. These three combustion turbines are rated at 235 MM Btu/hr each. The three combustion turbines burn distillate fuel oil (Process GTD) only. Combustion turbine No. 3 (Emission Source GT003) is equipped with a diesel stater engine.

The emissions from each of these three combustion turbines (Emission Sources GT003, GT004 & GT005) exhaust through its own separate stack, identified as Emission Points GT003, GT004 & GT005, respectively.

Building(s): GTFAC

**Condition 1-1: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-1.3**

**Item 1-1.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-1.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In response to New York State Department of Environmental Conservation opacity regulations, Con Edison installed and certified Lear Siegler RM41 transmissometers on applicable Fossil Power stacks during the early 1980s. In 1994 and 1995, as part of Con Edison's Continuous Emissions Monitoring System (CEMS) program, existing equipment at all facilities was replaced with new state-of-the-art Land Model 4500 units. New recorders were installed and digital opacity indicators were placed in control rooms so that Station operators would have real-time opacity readings. Con-Edison's opacity monitors shall be operated and maintained in accordance with the requirements of 40 CFR Part 75.

1. Opacity Incident Reporting:

Con Edison shall prepare opacity incident reports consistent with the requirements of this paragraph. The term "opacity incident" as used in this condition means



smoke emissions which exhibit greater than 20% opacity (6-minute average). Opacity incident report shall be maintained by Con Edison for a period of three years and shall be made available for inspection by the Department on demand. To provide a consistent and permanent record of all reportable opacity events, incident reporting was initiated in 1994. The reports consist of documenting incident events by way of Incident Reports in Con Edison's Central information database system. Incident Reports identify personnel on duty, a brief summary of the incident and as necessary a sequence of events, a preliminary cause analysis and associated corrective action requirements. All opacity Incident Reports are available electronically to cognizant Con Edison departments and personnel for their information, review and use. Incident Reports form the basis for more detailed root cause analysis, corrective actions, design modifications and project/program development and implementation.

## 2. Opacity Reporting Compliance Audits:

Con Edison shall conduct monthly opacity reporting compliance audits consistent with the requirements of this paragraph. Monthly opacity reporting compliance audits have been performed since April, 1994 and shall continue to be performed to ensure compliance with applicable regulatory reporting requirements. Audits include a detailed review of all opacity charts or recording device data for the prior month, confirmation that all indicated events were properly reported and documented, charts properly marked, survey sheets completed and all documentation retained. Comprehensive audit reports shall continue to be prepared to identify all relevant observations. Items tabulated include missing chart hours and survey sheets, events greater than 20% opacity, events greater than 40% opacity, total incidents, incidents reported and events covered by Incident Reports.

## 3. Awareness, Communications and Training:

Con Edison shall comply with the opacity awareness, communications and training provisions of this paragraph. Several significant initiatives have been undertaken to ensure and reinforce personnel understanding of the regulatory and operational requirements associated with this opacity. Awareness has been heightened by consistently and effectively communicating mandates throughout all levels of Con Edison's Steam Operations organization. Opacity audit results, significant or unusual exceedances, trends, goals, new developments and/or opacity reduction initiatives shall be included as agenda items, when appropriate, at a variety of meetings,



including the monthly meeting of the Steam Operations Vice President with the Plant Managers, the Steam Operations Program Managers Meeting, and/or the Operations and Maintenance Managers Meeting in order to promote continuing improvement in opacity awareness and compliance. Some of the opacity exceedances will be included in the review and discussion agenda of each monthly Incident Report Review Meeting, which is attended by key Steam Operations managers from each station, as well as EH&S and Central Engineering personnel.

At the local generating station level, opacity understanding and awareness shall be communicated on an ongoing basis from station management to supervisory and operating and maintenance personnel. Such communications shall be reinforced by operator interaction with personnel assigned as Opacity Auditors. Formal operator training is required of all personnel in order to receive their Air Pollution Control Certificates. A formal Air Pollution Control Refresher Course has been developed by the Company and shall be given to all control room operators by December 1998. It shall provide training in opacity regulatory requirements, fundamentals of combustion, and the balance between NO<sub>x</sub> control and opacity and continuous emissions monitoring interface.

#### 4. Preventive Maintenance:

Con Edison shall conduct, on an ongoing basis, a preventive maintenance program as described in this paragraph. Review of opacity-related Incident Reports by Con Edison has identified equipment deficiencies, both in design and maintenance. The consistent and repetitive nature of maintenance-related deficiencies has indicated the need for a comprehensive boiler component opacity reduction preventive maintenance program. The program has been fully operational since mid-1996. It consists of three phases defined as follows:

- Phase 1 - identify essential program elements including repetitive deficiencies;
- Phase 2 - develop procedures for each identified element;
- Phase 3 - consists of ongoing implementation of preventive maintenance.

The primary elements of Con Edison's ongoing preventive maintenance program for opacity reductions consist of regular inspection, calibration, and/or servicing of the following equipment in each of the generating stations:

- CEMS stack opacity monitoring equipment;
- Boiler control and instrumentation;



- Fuel oil and gas meters;
- Fuel oil pumps and strainers;
- Boiler fireside tubes (to minimize ash build-up);
- Air preheaters (to minimize ash build-up);
- Control-air air compressors;
- Fuel oil regulators;
- Atomizing steam regulators;
- Fan dampers and actuators; and
- Oil guns and tips.

This program may be revised by adding appropriate new maintenance requirements and deleting ineffective or obsolete maintenance activities based on operating experience or changes in equipment operation. The Department shall be notified of all significant additions and deletions to the preventive maintenance program via Con Edison's quarterly report to the Department.

#### 5. Root Cause Analysis and Corrective Actions:

Con Edison shall conduct root cause analyses as described in this paragraph and shall take all corrective actions that are deemed necessary to maintain full compliance with the State's opacity requirements. A comprehensive Root Cause Analysis program, including deficiency categorization and correction of categorized deficiencies was implemented in April 1995. Incident categories include oil, air, atomizing steam, ignition, burner and combustion control system deficiencies. Analysis, categorization and corrective action development shall be performed monthly by the facility's Boiler System Engineer and other station personnel. Corrections due to equipment failure, malfunction and marginal design shall be accomplished by corrective maintenance and simple design basis enhancement activities. Correction of operation deviations include focused training, minimized soot blowing and increased boiler fireside washes. Significant design basis deficiencies shall be corrected by the development and implementation of design basis enhancement projects, including, but not limited to, fuel switching and ignition and control system retrofits.

#### 6. Quarterly Reports:

Con Edison shall submit to the Department quarterly reports each May 15, August 15, November 15 and February 15, which describe activities and progress that Con Edison has made during the preceding quarter in carrying out the requirements of paragraphs 1 through 5 above in this condition. Penalties will not be assessed for excess opacity emission events attributable solely to equipment malfunctions or boiler start-ups or shut-downs, (as those terms are defined in 40 CFR § 60.2); provided that, Con



Edison identifies those events in its quarterly excess emission reports, certifies that the events were not preventable and the Department does not dispute Con Edison's claim that such events were not preventable. When requested by the Department, Con Edison shall make available to the Department any incident reports and root cause analysis that it prepared for such events. Con Edison shall expressly identify in its quarterly excess emission reports instances of excess opacity attributable to soot blowing, operator error, or careless operation of properly functioning equipment.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 42: Compliance Certification**  
**Effective between the dates of 03/11/2008 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 1**

**Item 42.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In response to New York State Department of Environmental Conservation opacity regulations, Con Edison installed and certified Lear Siegler RM41 transmissometers on applicable Fossil Power stacks during the early 1980s. In 1994 and 1995, as part of Con Edison's Continuous Emissions Monitoring System (CEMS) program, existing equipment at all facilities was replaced with new state-of-the-art Land Model 4500 units. New recorders were installed and digital opacity indicators were placed in control rooms so that Station operators would have real-time opacity readings. Con-Edison's opacity monitors shall be operated and maintained in accordance with the requirements of 40 CFR Part 75.

1. Opacity Incident Reporting:

Con Edison shall prepare opacity incident reports consistent with the requirements of this paragraph. The term "opacity incident," as used in this condition means



smoke emissions which exhibit greater than 20% opacity (6-minute average). Opacity incident report shall be maintained by Con Edison for a period of three years and shall be made available for inspection by the Department on demand. To provide a consistent and permanent record of all reportable opacity events, incident reporting was initiated in 1994. The reports consist of documenting incident events by way of Incident Reports in Con Edison's Central information database system. Incident Reports identify personnel on duty, a brief summary of the incident and as necessary a sequence of events, a preliminary cause analysis and associated corrective action requirements. All opacity Incident Reports are available electronically to cognizant Con Edison departments and personnel for their information, review and use. Incident Reports form the basis for more detailed root cause analysis, corrective actions, design modifications and project/program development and implementation.

## 2. Opacity Reporting Compliance Audits:

Con Edison shall conduct monthly opacity reporting compliance audits consistent with the requirements of this paragraph. Monthly opacity reporting compliance audits have been performed since April, 1994 and shall continue to be performed to ensure compliance with applicable regulatory reporting requirements. Audits include a detailed review of all opacity charts or recording device data for the prior month, confirmation that all indicated events were properly reported and documented, charts properly marked, survey sheets completed and all documentation retained. Comprehensive audit reports shall continue to be prepared to identify all relevant observations. Items tabulated include missing chart hours and survey sheets, events greater than 20% opacity, events greater than 40% opacity, total incidents, incidents reported and events covered by Incident Reports.

## 3. Awareness, Communications and Training:

Con Edison shall comply with the opacity awareness, communications and training provisions of this paragraph. Several significant initiatives have been undertaken to ensure and reinforce personnel understanding of the regulatory and operational requirements associated with this opacity. Awareness has been heightened by consistently and effectively communicating mandates throughout all levels of Con Edison's Steam Operations organization. Opacity audit results, significant or unusual exceedances, trends, goals, new developments and/or opacity reduction initiatives shall be included as agenda items, when appropriate, at a variety of meetings,



including the monthly meeting of the Steam Operations Vice President with the Plant Managers, the Steam Operations Program Managers, Meeting, and/or the Operations and Maintenance Managers Meeting in order to promote continuing improvement in opacity awareness and compliance. Some of the opacity exceedances will be included in the review and discussion agenda of each monthly Incident Report Review Meeting, which is attended by key Steam Operations managers from each station, as well as EH&S and Central Engineering personnel.

At the local generating station level, opacity understanding and awareness shall be communicated on an ongoing basis from station management to supervisory and operating and maintenance personnel. Such communications shall be reinforced by operator interaction with personnel assigned as Opacity Auditors. Formal operator training is required of all personnel in order to receive their Air Pollution Control Certificates. A formal Air Pollution Control Refresher Course has been developed by the Company and shall be given to all control room operators by December 1998. It shall provide training in opacity regulatory requirements, fundamentals of combustion, and the balance between NO<sub>x</sub> control and opacity and continuous emissions monitoring interface.

#### 4. Preventive Maintenance:

Con Edison shall conduct, on an ongoing basis, a preventive maintenance program as described in this paragraph. Review of opacity-related Incident Reports by Con Edison has identified equipment deficiencies, both in design and maintenance. The consistent and repetitive nature of maintenance-related deficiencies has indicated the need for a comprehensive boiler component opacity reduction preventive maintenance program. The program has been fully operational since mid-1996. It consists of three phases defined as follows:

- Phase 1 - identify essential program elements including repetitive deficiencies;
- Phase 2 - develop procedures for each identified element;
- Phase 3 - consists of ongoing implementation of preventive maintenance.

The primary elements of Con Edison's ongoing preventive maintenance program for opacity reductions consist of regular inspection, calibration, and/or servicing of the following equipment in each of the generating stations:

- ¿ CEMS stack opacity monitoring equipment;
- ¿ Boiler control and instrumentation;



- ⌋ Fuel oil and gas meters;
- ⌋ Fuel oil pumps and strainers;
- ⌋ Boiler fireside tubes (to minimize ash build-up);
- ⌋ Air preheaters (to minimize ash build-up);
- ⌋ Control-air air compressors;
- ⌋ Fuel oil regulators;
- ⌋ Atomizing steam regulators;
- ⌋ Fan dampers and actuators; and
- ⌋ Oil guns and tips.

This program may be revised by adding appropriate new maintenance requirements and deleting ineffective or obsolete maintenance activities based on operating experience or changes in equipment operation. The Department shall be notified of all significant additions and deletions to the preventive maintenance program via Con Edison's quarterly report to the Department.

#### 5. Root Cause Analysis and Corrective Actions:

Con Edison shall conduct root cause analyses as described in this paragraph and shall take all corrective actions that are deemed necessary to maintain full compliance with the State's opacity requirements. A comprehensive Root Cause Analysis program, including deficiency categorization and correction of categorized deficiencies was implemented in April 1995. Incident categories include oil, air, atomizing steam, ignition, burner and combustion control system deficiencies. Analysis, categorization and corrective action development shall be performed monthly by the facility's Boiler System Engineer and other station personnel. Corrections due to equipment failure, malfunction and marginal design shall be accomplished by corrective maintenance and simple design basis enhancement activities. Correction of operation deviations include focused training, minimized soot blowing and increased boiler fireside washes. Significant design basis deficiencies shall be corrected by the development and implementation of design basis enhancement projects, including, but not limited to, fuel switching and ignition and control system retrofits.

#### 6. Quarterly Reports:

Con Edison shall submit to the Department quarterly reports each May 15, August 15, November 15 and February 15, which describe activities and progress that Con Edison has made during the preceding quarter in carrying out the requirements of paragraphs 1 through 5 above in this condition. Penalties will not be assessed for excess opacity emission events attributable solely to equipment malfunctions or boiler start-ups or shut-downs, (as those terms are defined in 40 CFR § 60.2); provided that, Con



Edison identifies those events in its quarterly excess emission reports, certifies that the events were not preventable and the Department does not dispute Con Edison's claim that such events were not preventable. When requested by the Department, Con Edison shall make available to the Department any incident reports and root cause analysis that it prepared for such events. Con Edison shall expressly identify in its quarterly excess emission reports instances of excess opacity attributable to soot blowing, operator error, or careless operation of properly functioning equipment.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-2: Permit Requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (a)**

**Item 1-2.1:**

The CAIR designated representative of each CAIR NOx Ozone Season source shall:

- (i) submit to the department a complete CAIR permit application under section 243-3.3 in accordance with the deadlines specified in section 243-3.2; and
- (ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

The owners and operators of each CAIR NOx Ozone Season source shall have a CAIR permit issued by the department under Subpart 243-3 for the source and operate the source and the unit in compliance with such CAIR permit.

**Condition 1-3: Monitoring requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (b)**

**Item 1-3.1:**

The emissions measurements recorded and reported in accordance with Subpart 243-8 shall be used to determine compliance by each CAIR NOx Ozone Season source with the CAIR NOx Ozone Season emissions limitation under subdivision (c) of this section.

**Condition 1-4: NOx Ozone Season Emission Requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (c)**

**Item 1-4.1:**

As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NOx Ozone Season allowances available for compliance deductions for the control period under section 243-6.5(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NOx Ozone



Season units at the source, as determined in accordance with Subpart 243-8. The CAIR NO<sub>x</sub> ozone season is the period beginning May 1 of a calendar year, except as provided in section 243-1.6(c)(2), and ending on September 30 of the same year, inclusive.

A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

A CAIR NO<sub>x</sub> Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO<sub>x</sub> Ozone Season Trading Program. No provision of the CAIR NO<sub>x</sub> Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under section 243-1.5 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**Condition 1-5: Excess emission requirements  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (d)**

**Item 1-5.1:**

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

(1) the owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under section 243-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law; and

(2) each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.

**Condition 1-6: Recordkeeping and reporting requirements  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (e)**



**Item 1-6.1:**

Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator.

(i) The certificate of representation under section 243-2.4 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under section 243-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with Subpart 243-8, provided that to the extent that Subpart 243-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Ozone Season Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.

**Condition 1-7: Authorization and responsibilities of CAIR designated representative  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-2.1**

**Item 1-7.1:**

Except as provided under section 243-2.2, each CAIR NO<sub>x</sub> Ozone Season source, including all CAIR NO<sub>x</sub> Ozone Season units at the source, shall have one and only one CAIR designated representative, with regard to all matters under the CAIR NO<sub>x</sub> Ozone Season Trading Program concerning the source or any CAIR NO<sub>x</sub> Ozone Season unit at the source.

The CAIR designated representative of the CAIR NO<sub>x</sub> Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NO<sub>x</sub> Ozone Season units at the source and shall act in accordance with the certification statement in section 243-2.4(a)(4)(iv).

Upon receipt by the Administrator of a complete certificate of representation under section 243-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO<sub>x</sub> Ozone Season source represented and each CAIR NO<sub>x</sub> Ozone Season unit at the source in all matters pertaining to the CAIR NO<sub>x</sub> Ozone Season Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.

No CAIR permit will be issued, no emissions data reports will be accepted, and no CAIR NO<sub>x</sub>



Ozone Season Allowance Tracking System account will be established for a CAIR NO<sub>x</sub> Ozone Season unit at a source, until the Administrator has received a complete certificate of representation under section 243-2.4 for a CAIR designated representative of the source and the CAIR NO<sub>x</sub> Ozone Season units at the source.

Each submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO<sub>x</sub> Ozone Season source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

**Condition 1-8: Certificate of representation**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-2.4**

**Item 1-8.1:**

Unless otherwise required by the department or the Administrator, documents of agreement referred to in the certificate of representation shall not be submitted to the department or the Administrator. Neither the department nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

**Condition 1-9: General requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-8.1**

**Item 1-9.1:**

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NO<sub>x</sub> Ozone Season unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in section 243-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR NO<sub>x</sub> Ozone Season unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 243-1.2. The owner or operator of a unit that is not a CAIR NO<sub>x</sub> Ozone Season unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NO<sub>x</sub> Ozone Season unit.

'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR NO<sub>x</sub> Ozone Season unit shall:

(1) install all monitoring systems required under this Subpart for monitoring NO<sub>x</sub> mass emissions and individual unit heat input (including all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub>



concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);

(2) successfully complete all certification tests required under section 243-8.2 and meet all other requirements of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

**Condition 1-10: Prohibitions**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-8.1**

**Item 1-10.1:**

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this Subpart without having obtained prior written approval in accordance with section 243-8.6.

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> mass emissions discharged into the atmosphere or heat input, 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.

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:

- (i) during the period that the unit is covered by an exemption under section 243-1.5 that is in effect;
- (ii) 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 retired or discontinued monitoring system; or
- (iii) the CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with section 243-8.2(d)(3)(i).

**Condition 1-11: Out of control periods**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 243-8.3**

**Item 1-11.1:**

Whenever any monitoring system fails to meet the quality-assurance and quality-control



requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in Subpart D or Subpart H of, or appendix D or appendix E to, 40 CFR Part 75.

**Condition 1-12: Quarterly reports**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 243-8.5 (d)**

**Item 1-12.1:**

The CAIR designated representative shall submit quarterly reports, as follows:

If the CAIR NOx Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NOx emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NOx mass emissions) for such unit for the entire year and shall report the NOx mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

(i) for a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;

(ii) for a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 243-8.1(b), unless that quarter is the third or fourth quarter of 2007 or the first quarter of 2008, in which case reporting shall commence in the quarter covering May 1, 2008 through June 30, 2008.

The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).

For CAIR NOx Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Annual Trading Program, CAIR SO2 Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by this Subpart.

**Condition 1-13: Compliance certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 243-8.5 (e)**

**Item 1-13.1:**

The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(1) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and



specifications;

(2) for a unit with add-on NOx emission controls and for all hours where NOx data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NOx emissions; and

(3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NOx emission rate and NOx concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NOx emissions.

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

**Condition 44: Emission Point Definition By Emission Unit**  
Effective between the dates of 03/11/2008 and Permit Expiration Date

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

**Item 44.1(From Mod 1):**

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

Emission Unit: H-A0001

Emission Point: 00004

Height (ft.): 377

Diameter (in.): 275

NYTMN (km.): 4506.4

NYTME (km.): 586.

Building: BOILERHS

**Item 44.2(From Mod 1):**

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

Emission Unit: H-A0005

Emission Point: GT003

Height (ft.): 47

Length (in.): 252

Width (in.): 120

NYTMN (km.): 4506.4

NYTME (km.): 586.

Building: GTFAC

Emission Point: GT004

Height (ft.): 47

Length (in.): 252

Width (in.): 120

NYTMN (km.): 4506.4

NYTME (km.): 586.

Building: GTFAC

Emission Point: GT005

Height (ft.): 47

Length (in.): 252

Width (in.): 120

NYTMN (km.): 4506.4

NYTME (km.): 586.

Building: GTFAC

**Condition 45: Process Definition By Emission Unit**  
Effective between the dates of 03/11/2008 and Permit Expiration Date

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

**Item 45.1(From Mod 1):**



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

Emission Unit: H-A0001

Process: ROF

Source Classification Code: 1-01-004-01

Process Description:

Process ROF consists of the combustion of residual oil in the four face fired boilers, Boilers 71, 72, 81 & 82 (Emission Sources 00071, 00072, 00081 & 00082) in Emission Unit H-A0001. One of these four boilers is rated at 664 MM Btu/hr (Emission Source 00082), and the other three boilers are rated at 688 MM Btu/hr (Emission Sources 00071, 00072 & 00081). This process covers combustion of residual oil in these four boilers, and to improve boiler operation, a fuel additive may be mixed into the residual oil prior to combustion. These boilers have kerosene ignition.

The emissions from these four very large boilers exhaust through one common stack identified as Emission Point 00004.

Emission Source/Control: 00071 - Combustion

Design Capacity: 688 million Btu per hour

Emission Source/Control: 00072 - Combustion

Design Capacity: 688 million Btu per hour

Emission Source/Control: 00081 - Combustion

Design Capacity: 688 million Btu per hour

Emission Source/Control: 00082 - Combustion

Design Capacity: 664 million Btu per hour

**Item 45.2(From Mod 1):**

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

Emission Unit: H-A0001

Process: ROL

Source Classification Code: 1-01-004-01

Process Description:

Process ROL consists of the combustion of residual oil in the four face fired boilers, Boilers 71, 72, 81 & 82 (Emission Sources 00071, 00072, 00081 & 00082) in Emission Unit H-A0001. One of these four boilers is rated at 664 MM Btu/hr (Emission Source 00082), and the other three boilers are rated at 688 MM Btu/hr (Emission Sources 00071, 00072 & 00081). This process covers combustion of residual oil in these four boilers. These four boilers have kerosene ignition capability. These boilers may also have natural gas capability in the future.

The emissions from these four very large boilers exhaust through one common stack identified as Emission Point 00004.



Emission Source/Control: 00071 - Combustion  
Design Capacity: 688 million Btu per hour

Emission Source/Control: 00072 - Combustion  
Design Capacity: 688 million Btu per hour

Emission Source/Control: 00081 - Combustion  
Design Capacity: 688 million Btu per hour

Emission Source/Control: 00082 - Combustion  
Design Capacity: 664 million Btu per hour

**Item 45.3(From Mod 1):**

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

Emission Unit: H-A0005

Process: GTD

Source Classification Code: 2-01-001-01

Process Description:

Process GTD is the combustion of distillate fuel oil in the three simple cycle combustion turbines (Emission Sources GT003, GT004 & GT005) in Emission Unit H-A0005 to generate electricity. These three combustion turbines are rated at 235 MM Btu/hr each and burn distillate fuel oil only. Combustion turbine No. 3 (Emission Source GT003) is equipped with a diesel stater engine.

The emissions from each of these three combustion turbines (Emission Sources GT003, GT004 & GT005) exhaust through its own separate stack, identified as Emission Points GT003, GT004 & GT005, respectively.

Emission Source/Control: GT003 - Combustion  
Design Capacity: 235 million Btu per hour

Emission Source/Control: GT004 - Combustion  
Design Capacity: 235 million Btu per hour

Emission Source/Control: GT005 - Combustion  
Design Capacity: 235 million Btu per hour



**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 56: Contaminant List  
Effective between the dates of 03/11/2008 and Permit Expiration Date**

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

**Item 56.1:**

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

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

CAS No: 0NY210-00-0



Name: OXIDES OF NITROGEN

**Condition 1-14: Unavoidable noncompliance and violations  
Effective for entire length of Permit**

**Applicable State Requirement: 6 NYCRR 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 57: Unavoidable noncompliance and violations**  
**Effective between the dates of 03/11/2008 and Permit Expiration Date**

**Applicable State Requirement:**

**Expired by Mod 1**

**Item 57.1:**

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 1-15: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 1-15.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**Condition 58: Air pollution prohibited**  
**Effective between the dates of 03/11/2008 and Permit Expiration Date**

**Applicable State Requirement:**

**Expired by Mod 1**

**Item 58.1:**

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.

