



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: 02/04/2010 Expiration Date: 03/10/2013

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 NOx 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 NOx 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 starter 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_x RACT Compliance Plan. The type of combustion units at the Hudson Avenue Station are subject to the NO_x 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_x emission rates that exceed the NO_x 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_x 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_x 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_x) 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_x 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_x 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_x 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_x installed in the stacks. The actual NO_x 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.

New York State Department of Environmental Conservation
Facility DEC ID: 2610100042



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

New York State Department of Environmental Conservation

Permit ID: 2-6101-00042/00011

Facility DEC ID: 2610100042



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

Mod 0 Permit Effective Date: 03/11/2008

Permit Expiration Date: 03/10/2013

Mod 1 Permit Effective Date: 02/04/2010

Permit Expiration Date: 03/10/2013



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40 CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR 200.3: False statement
- 24 6 NYCRR Subpart 201-6: Emission Unit Definition
- 25 6 NYCRR 204-2.1: Submissions to the Department.
- 26 6 NYCRR 204-4.1: Compliance Certification
- 27 6 NYCRR 204-7.1: Submission of NO_x allowance transfers.
- 28 6 NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 29 6 NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 30 6 NYCRR 204-8.2: Compliance Certification
- 31 6 NYCRR 204-8.3: Out of control periods.
- 32 6 NYCRR 204-8.4: Compliance Certification
- 33 6 NYCRR 204-8.7: Compliance Certification
- 34 6 NYCRR 207.3 (d): Compliance Certification
- 35 6 NYCRR 225-1.2 (a) (2): Compliance Certification
- 36 6 NYCRR 225-1.2 (a) (2): Compliance Certification
- 37 6 NYCRR 225-1.4: Temporary variances.
- 38 6 NYCRR 225-1.7 (c): Compliance Certification
- 39 6 NYCRR 225-1.8 (a): Compliance Certification
- 40 6 NYCRR 225-1.8 (d): Sampling, compositing, and analysis of fuel samples
- 41 6 NYCRR 225.7 (a): Compliance Certification



- 1-1 6 NYCRR 227-1.3: Compliance Certification
- 43 6 NYCRR 227-2.5 (b): 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

EU=H-A0001

- 46 6 NYCRR 201-6.5 (e): Compliance Certification
- 47 6 NYCRR 227-1.3: Compliance Certification

EU=H-A0001,Proc=ROL

- 48 6 NYCRR 227-1.2 (a) (1): Compliance Certification

EU=H-A0005

- 49 6 NYCRR 227-2.6 (c): Compliance Certification

EU=H-A0005,Proc=GTD,ES=GT003

- 50 6 NYCRR 227.2 (b) (1): Compliance Certification

EU=H-A0005,Proc=GTD,ES=GT004

- 51 6 NYCRR 227.2 (b) (1): Compliance Certification

EU=H-A0005,Proc=GTD,ES=GT005

- 52 6 NYCRR 227.2 (b) (1): Compliance Certification

EU=H-A0005,EP=GT003

- 53 6 NYCRR 227-1.3 (a): Compliance Certification

EU=H-A0005,EP=GT004

- 54 6 NYCRR 227-1.3 (a): Compliance Certification

EU=H-A0005,EP=GT005

- 55 6 NYCRR 227-1.3 (a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level



56 ECL 19-0301: Contaminant List
1-14 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
1-15 6 NYCRR 211.2: 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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 200.6

Item 1.1:

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

Condition 2: Fees
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (7)

Item 2.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 3.1:



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

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

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

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 4.1:

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

Condition 5: Compliance Certification

Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum



frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

(3) For all other deviations from permit requirements, the report shall be contained in the 6 month monitoring report required above.

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A



written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

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

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.



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

Condition 6: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
 - the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
 - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.



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

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

The address for the RAPCE is as follows:

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

The address for the BCME is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2009.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:
The Compliance Certification activity will be performed for the Facility.

Item 7.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar

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year.

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

Condition 8: Recordkeeping requirements
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 8.1:

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

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

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

Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR Part 215

Item 9.1:

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, refuse, rubbish for salvage, or rubbish generated by industrial or commercial activities.

MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and



procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

Condition 11: Recycling and Salvage
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 13.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 14.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control



requirements, regulations, or law.

Condition 15: Standard Requirement - Provide Information
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (4)

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: General Condition - Right to Inspect
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

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

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

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 201-6.5 (d) (5)

Item 17.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

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



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

Condition 18: Off Permit Changes
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 18.1:

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 19.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 211.3

Item 20.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

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Condition 21: Accidental release provisions.
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:40 CFR Part 68

Item 21.1:

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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: False statement
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 200.3

Item 23.1:

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

Condition 24: Emission Unit Definition



Effective between the dates of 03/11/2008 and 03/10/2013

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

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Condition 25: Submissions to the Department.
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-2.1

Item 25.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.4(a)(4)) by the NOx authorized account representative.

Condition 26: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-4.1

Item 26.1:
The Compliance Certification activity will be performed for the Facility.

Item 26.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 27: Submission of NOx allowance transfers.
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-7.1

Item 27.1: The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:

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

Condition 28: Requirements for installation, certification, and data accounting.
Effective between the dates of 03/11/2008 and 03/10/2013



Applicable Federal Requirement:6 NYCRR 204-8.1

Item 28.1: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

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

**Condition 29: Requirements for recertification of monitoring systems.
Effective between the dates of 03/11/2008 and 03/10/2013**

Applicable Federal Requirement:6 NYCRR 204-8.2

Item 29.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

**Condition 30: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013**

Applicable Federal Requirement:6 NYCRR 204-8.2

Item 30.1:
The Compliance Certification activity will be performed for the Facility.

Item 30.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owner or operator of a NOx Budget unit under paragraphs (b)(2) or (b)(3) of this section must determine, record and report NOx mass, heat input (if required for purposes of allocations) and any other values

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required to determine NO_x Mass (e.g. NO_x emission rate and heat input or NO_x concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 31: Out of control periods.
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-8.3

Item 31.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 32: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-8.4

Item 32.1:
The Compliance Certification activity will be performed for the Facility.

Item 32.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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

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

All quarterly emission data shall be electronically filed with the USEPA Clean Air Markets Division with a copy (disc or hard copy) to the NYSDEC offices.

The address for the USEPA Administrator is as

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follows:

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

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

The address for the BCME is as follows:

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

AAR changes should be sent to the attention of:

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

The address for the RAPCE is as follows:

Hunters Point Plaza
47-20 21st Street
Long Island City, NY 11101-5407

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 33: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 204-8.7

Item 33.1:

The Compliance Certification activity will be performed for the Facility.

Item 33.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NOx Mass emissions using a NOx concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set

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forth in 40 CFR Part 75.

Monitoring Frequency: HOURLY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 34: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 207.3 (d)

Item 34.1:

The Compliance Certification activity will be performed for the Facility.

Item 34.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

When the Commissioner determines that an air pollution episode is in effect, the facility shall take the actions as prescribed in the most recent approved episode action plan. The facility must also maintain an air pollution episode log at the facility.

The most recent approved episode action plan, is available for review at the regional office of the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 35: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.2 (a) (2)

Item 35.1:

The Compliance Certification activity will be performed for the Facility.

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any

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distillate oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.20 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: MONTHLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2008.
Subsequent reports are due every 1 calendar month(s).

Condition 36: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.2 (a) (2)

Item 36.1:

The Compliance Certification activity will be performed for the Facility.

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any residual oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.30 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: MONTHLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2008.
Subsequent reports are due every 1 calendar month(s).

Condition 37: Temporary variances.
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.4

Item 37.1:

Upon application by an air contamination source owner or a fuel supplier the commissioner may

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issue an order granting a temporary variance from the provisions of 6 NYCRR Part 225-1 where it can be shown, to the commissioner's satisfaction, that there is an insufficient supply of conforming fuel, either:

- (1) of the proper type required for use in a particular air contamination source; or
- (2) generally throughout an area of the State.

Condition 38: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.7 (c)

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Part 225-1.7(c) requires that measurements must be made daily of the rate of each fuel burned. Also, the facility must measure the gross heat content and ash content of each fuel burned (determined at least once per week), and the average electrical output (daily) and hourly generation rate. This information must be retained by the source owner for a period of three years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 39: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.8 (a)

Item 39.1:

The Compliance Certification activity will be performed for the Facility.

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, heating value of

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the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 40: Sampling, compositing, and analysis of fuel samples
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.8 (d)

Item 40.1:

All sampling, compositing, and analysis of fuel samples, taken to determine compliance with 6 NYCRR Part 225-1, must be done in accordance with methods acceptable to the commissioner.

Condition 41: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225.7 (a)

Item 41.1:

The Compliance Certification activity will be performed for the Facility.

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum, supplier name, date of shipment, quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submitted to, the NYSDEC as per the stated reporting requirement.

Monitoring Frequency: PER DELIVERY
Reporting Requirements: MONTHLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2008.
Subsequent reports are due every 1 calendar month(s).

Condition 1-1: Compliance Certification
Effective between the dates of 02/04/2010 and 03/10/2013

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 NOx 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 43: Compliance Certification

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Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 43.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Con Edison's system-wide averaging of NOx emissions from its facilities shall be performed in accordance with the most current version of the NOx RACT Compliance Plan and the NOx RACT Operating Plan, approved by the Department.

The most current version of the NOx RACT Compliance and Operating Plans are attached to this permit and constitute an enforceable part of the permit.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2008.

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

Condition 1-2: Permit Requirements

Effective between the dates of 02/04/2010 and 03/10/2013

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 between the dates of 02/04/2010 and 03/10/2013

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 between the dates of 02/04/2010 and 03/10/2013

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 NOx 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 NOx 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 NOx 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 NOx Ozone Season allowance was allocated.

CAIR NOx Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NOx Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

A CAIR NOx Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOx Ozone Season Trading Program. No provision of the CAIR NOx 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 NOx 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 NOx Ozone Season allowance to or from a CAIR NOx Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Condition 1-5: Excess emission requirements
Effective between the dates of 02/04/2010 and 03/10/2013

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



Item 1-5.1:

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

(1) the owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x 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 between the dates of 02/04/2010 and 03/10/2013**

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

Item 1-6.1:

Unless otherwise provided, the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x 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_x 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_x Ozone Season Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO_x Ozone Season Trading Program.

**Condition 1-7: Authorization and responsibilities of CAIR designated
representative
Effective between the dates of 02/04/2010 and 03/10/2013**

Applicable Federal Requirement:6 NYCRR 243-2.1

Item 1-7.1:

Except as provided under section 243-2.2, each CAIR NO_x Ozone Season source, including all CAIR NO_x Ozone Season units at the source, shall have one and only one CAIR designated representative, with regard to all matters under the CAIR NO_x Ozone Season Trading Program

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concerning the source or any CAIR NOx Ozone Season unit at the source.

The CAIR designated representative of the CAIR NOx Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NOx 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 NOx Ozone Season source represented and each CAIR NOx Ozone Season unit at the source in all matters pertaining to the CAIR NOx 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 NOx Ozone Season Allowance Tracking System account will be established for a CAIR NOx 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 NOx Ozone Season units at the source.

Each submission under the CAIR NOx Ozone Season Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NOx 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 between the dates of 02/04/2010 and 03/10/2013

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 between the dates of 02/04/2010 and 03/10/2013

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_x 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_x 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_x 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_x Ozone Season unit.

'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR NO_x Ozone Season unit shall:

- (1) install all monitoring systems required under this Subpart for monitoring NO_x mass emissions and individual unit heat input (including all systems required to monitor NO_x emission rate, NO_x concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ 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 between the dates of 02/04/2010 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 243-8.1

Item 1-10.1:

No owner or operator of a CAIR NO_x 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_x Ozone Season unit shall operate the unit so as to discharge, or allow to be discharged, NO_x 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_x 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_x 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_x 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 between the dates of 02/04/2010 and 03/10/2013

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 between the dates of 02/04/2010 and 03/10/2013

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 NO_x Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO_x 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 NO_x mass emissions) for such unit for the entire year and shall report the NO_x 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).

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For CAIR NO_x Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x 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 NO_x mass emission data, heat input data, and other information required by this Subpart.

Condition 1-13: Compliance certification
Effective between the dates of 02/04/2010 and 03/10/2013

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 NO_x emission controls and for all hours where NO_x 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 NO_x emissions; and
- (3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NO_x emission rate and NO_x 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 NO_x emissions.

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

Condition 44: Emission Point Definition By Emission Unit
Effective between the dates of 03/11/2008 and 03/10/2013

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 03/10/2013**

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

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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

Condition 46: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0001

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Facility shall take Preventive and corrective measures to optimize the combustion efficiency of the boilers. The facility shall follow the boiler maintenance procedures provided by the manufacturer. The boiler tune-ups which should include measuring boiler combustion efficiency must be performed annually for the four boilers, Emission Sources 00071, 00072, 00081 and 00082 listed in Emission Unit H-A0001. The owner or operator shall maintain a log (in a format acceptable to the Department) containing the following information:

- (1) The date when the tune-up was performed;
- (2) A summary list of the items adjusted as part of the tune-up; and,
- (3) The name, title and affiliation of the person(s) who performed the adjustments.

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 47: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013



Applicable Federal Requirement:6 NYCRR 227-1.3

Item 47.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard shall be determined with Continuous Opacity Monitoring System (COMS) data. The owner shall install, operate in accordance with manufacturer's instructions, and properly maintain, a COMS in the stack satisfying the criteria in Appendix B of 40 CFR part 60.

The owner shall submit an accurate excess emissions and monitoring system performance report to the Department for each calendar year quarter. All reports shall be certified by a responsible corporate official as true, accurate and complete and postmarked by the 60th day following the end of each calendar year quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the Department and shall include the following minimum information:

- (1) The magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not to exceed 27 percent;
- (2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- (3) Identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;
- (4) The total time in which the COMs were required to record data during the reporting period (NOTE: the COMs should be operated at all times when the boilers are in

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operation less the instances cited in Item #3 above, which should be kept to a minimum); and

(5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time which the COMS are required to record data.

Manufacturer Name/Model Number: Land, Model #4500

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60 APP B

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 48: Compliance Certification

Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 48.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0001

Process: ROL

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 48.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The particulate limit for Boilers 71, 72, 81 and 82 is 0.10 lb particulate/MMBTU heat input. The boilers must be maintained and operated in accordance with manufacturer's recommendations to minimize emissions of particulate matter. Stack testing must be conducted every three years to demonstrate compliance with the particulate emission limit.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 49: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 227-2.6 (c)

Item 49.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Regulated Contaminant(s):

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

Item 49.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of simple cycle combustion turbines shall utilize stack test Method 20 from 40 CFR Part 60, Appendix A, or another stack test method approved by the Department.

Owners or operators of simple cycle combustion turbines with a heat input rate of 250 mm Btu/hr or less shall perform a stack test, to determine the NOx emission rate, once every three years.

Reference Test Method: Method 20

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 50: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 50.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Process: GTD

Emission Source: GT003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

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Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following every three years:

1) submit, to the Department, an acceptable protocol for the testing of particulate emissions against the limit set forth in this condition; and

2) perform a stack test, based upon the approved protocol, to determine compliance with the particulate limit set forth in this condition.

All records generated pursuant to this condition must be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 51: Compliance Certification

Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 51.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Process: GTD

Emission Source: GT004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 51.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion

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the testing of particulate emissions against the limit set forth in this condition; and

2) perform a stack test, based upon the approved protocol, to determine compliance with the particulate limit set forth in this condition.

All records generated pursuant to this condition must be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2008.

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

Condition 53: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 53.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Emission Point: GT003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 53.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

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



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

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

- weather condition
- was a plume observed?

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

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

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

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 8/29/2008.
Subsequent reports are due every 6 calendar month(s).



Condition 54: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 54.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005 Emission Point: GT004

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

Item 54.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

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

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

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

- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then the Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the

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

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

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 8/29/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 55: Compliance Certification
Effective between the dates of 03/11/2008 and 03/10/2013

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

Item 55.1:
The Compliance Certification activity will be performed for:

Emission Unit: H-A0005 Emission Point: GT005

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

Item 55.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:
No owner or operator of a combustion installation shall emit greater than 20 percent opacity (on a six minute block period) except for one six minute block period per



hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

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

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

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

- weather condition
- was a plume observed?

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

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

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

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: Method 9

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 60 days after the reporting period.

The initial report is due 8/29/2008.

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



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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS
This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: 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 03/10/2013

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 between the dates of 02/04/2010 and 03/10/2013

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.

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(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 between the dates of 02/04/2010 and 03/10/2013

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.

