



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
Mod 2 Effective Date: 07/12/2011 Expiration Date: 03/10/2013

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

Contact: FEMI OGUNSOLA
CONSOLIDATED EDISON CO OF NY INC
4 IRVING PL - 15FL NE
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 - 15FL NE
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 2)

This is a minor modification of the Air Title V Permit Renewal 1, Modification 1 under 6 NYCRR 201-6.7(c) for the removal of the four (4) low pressure very large boilers in Emission Unit H-A0001 and their related conditions at the Con Edison - Hudson Avenue Station, located at 1 Hudson Avenue in Brooklyn, New York 11201. These four boilers, Boilers Nos. 71, 72, 81 and 82 are identified as Emission Sources 00071, 00072, 00081 and 00082, respectively, and are Combustion Engineering boilers. Each boiler is rated at 688 MM Btu/hr, except Boiler 82, which is rated at 664 MM Btu/hr. These four boilers at this facility were permanently shutdown and ceased operation on February 7, 2011.



These four boilers were face-fired boilers, and combusted residual fuel oil and additive and had kerosene ignition capability. The fuel contained in the storage tanks supplying the boilers is below the minimum level required for operation and the facility has disabled these four boilers by (i) physically disconnecting their fuel supply; (ii) disabling their electric supply and switching capability; and (iii) physically isolating them from the steam main connecting to the Con Edison steam system.

The creation of future emission reduction credits (ERCs) based on the permanent shutdown and retirement of these four low pressure very large boilers (Emission Sources 00071, 00072, 00081 and 00082) and other supporting documentation will be reviewed in an Air State Facility permit, DEC ID # 2-6101-00042/00044. Based upon actual emissions from the Hudson Avenue Station's boilers between June 2007 and May 2009 as a baseline, the calculated reduction in average annual emissions from the Station from the permanent shutdown of these four boilers includes an estimate of 353.54 tons of NO_x, 7.83 tons of VOC, 52.17 tons of CO, 460.34 tons of SO₂, 71.35 tons of PM, 65.98 tons of PM-10, and 52.48 tons of PM_{2.5}. The ERCs estimate will be verified when the review is complete for the Air State Facility permit application, DEC ID # 2-6101-00042/00044.

The facility will maintain the Title V major permit for the continued operation of three simple cycle combustion turbines (Emission Sources GT003, GT004 and GT005) used to generate electricity.

Consolidated Edison Hudson Avenue Station in Brooklyn, New York, is a Title V facility, generating electricity. The facility operates the following emission unit:

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 one (1) emergency power generator (<500 hrs/yr), and three (3) distillate storage tanks with storage capacities <300,000 bbls.



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 that 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 Condition # 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.
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 # 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 plan has procedures for responding to an episode action, and requirements for maintaining an air pollution episode log.
5. 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.
6. 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 when any one of the three combustion turbine is in operation.



7. 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.

8. 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 eleven (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_xRACT emission limits for the turbines would be 100 ppmvd, corrected to 15 percent oxygen when burning oil. This is also the limit applied to these units in calculating system-wide average. The actual NO_x emission rate of the turbines is determined by stack tests conducted once during the term of the



permit. 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 12th Avenue, NY, NY, 10019
- East 60th Street Steam Plant - 514 E. 60th Street, NY, NY, 10022
- 74th Street Station - 506 East 75th Street, NY, NY, 10021
- East River Generating Station - 801 East 14th Street, NY, NY, 10009
- Hudson Avenue Station - 1 Hudson Avenue, Brooklyn, NY, 11201
- Ravenswood Steam Plant - 7-18 37th Ave., Long Island City, NY, 11101
- Astoria Facility - 20th Avenue & 21st Street, Queens, NY, 11105
- Hunts Point Compressor Station - 332 Hunts Point Ave, Bronx, NY, 10474

The NO_x RACT Compliance and Operating plans were revised on December 7, 2009, and were submitted to the DEC Region 2 office.

9. As per Condition #2-5 for 6 NYCRR 227-2.6 (c), in order for the facility to comply with the NO_x emission rates for each of the three combustion turbines, the facility must conduct a stack test for each turbine once during the term of the permit.

10. As per Condition #2-7 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 once during the term of the permit 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.

11. As per Condition #2-9 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 once during the term of the permit 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.

12. As per Condition # 2-11 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 once during the term of the permit 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.

13. As per Condition #2-6 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 when the respective turbine is in operation. 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.

14. As per Condition #2-8 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 when the respective turbine is in operation. 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.

15. As per Condition #2-10 or 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 when the respective turbine is in operation. 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.



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

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

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
 - Applications for permit renewals, modifications and transfers
 - Permit modifications, suspensions or revocations by the Department
 - Permit modifications, suspensions or revocations by the Department

Facility Level

- Submission of application for permit modification or renewal -
REGION 2 HEADQUARTERS



DEC GENERAL CONDITIONS

****** General Provisions ******

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Applicable State Requirement: ECL 3-0301 (2) (m)

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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
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

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

Mod 2 Permit Effective Date: 07/12/2011

Permit Expiration Date: 03/10/2013



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2-1 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
- 2-2 6 NYCRR 215.2: Open Fires - Prohibitions
- 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
- 2-3 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 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR 200.3: False statement
- 24 6 NYCRR Subpart 201-6: Emission Unit Definition
- 34 6 NYCRR 207.3 (d): Compliance Certification
- 2-4 6 NYCRR 211.1: Air pollution prohibited
- 35 6 NYCRR 225-1.2 (a) (2): Compliance Certification
- 2-5 6 NYCRR 225-1.8: Compliance Certification
- 40 6 NYCRR 225-1.8 (d): Sampling, compositing, and analysis of fuel samples
- 41 6 NYCRR 225.7 (a): 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
- 1-10 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-A0005

- 2-6 6 NYCRR 227-2.6 (c): Compliance Certification

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

- 2-7 6 NYCRR 227-1.3 (a): Compliance Certification
- 2-8 6 NYCRR 227.2 (b) (1): Compliance Certification

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

- 2-9 6 NYCRR 227-1.3 (a): Compliance Certification
- 2-10 6 NYCRR 227.2 (b) (1): Compliance Certification

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

- 2-11 6 NYCRR 227-1.3 (a): Compliance Certification
- 2-12 6 NYCRR 227.2 (b) (1): 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
- 2-13 6 NYCRR 211.2: Visible Emissions Limited



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 2-1: Fees
Effective between the dates of 07/12/2011 and 03/10/2013**

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

Item 2-1.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

**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



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.

Condition 2-2: Open Fires - Prohibitions
Effective between the dates of 07/12/2011 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 215.2

Item 2-2.1:

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 2-2.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is



- used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
 - (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
 - (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
 - (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
 - (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
 - (i) Prescribed burns performed according to Part 194 of this Title.
 - (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
 - (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
 - (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**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 2-3: Required Emissions Tests
Effective between the dates of 07/12/2011 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 2-3.1:

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.

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.

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

Applicable Federal Requirement:40 CFR Part 68

New York State Department of Environmental Conservation

Permit ID: 2-6101-00042/00011

Facility DEC ID: 2610100042



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

New York State Department of Environmental Conservation

Permit ID: 2-6101-00042/00011

Facility DEC ID: 2610100042



Item 24.1(From Mod 2):

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

Emission Unit: H-A0005

Emission Unit Description:

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

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

Building(s): GTFAC

Condition 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).

New York State Department of Environmental Conservation

Permit ID: 2-6101-00042/00011

Facility DEC ID: 2610100042



Condition 2-4: Air pollution prohibited
Effective between the dates of 07/12/2011 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 211.1

Item 2-4.1:

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

Condition 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 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 2-5: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

Applicable Federal Requirement:6 NYCRR 225-1.8

Item 2-5.1:

The Compliance Certification activity will be performed for the Facility.

New York State Department of Environmental Conservation

Permit ID: 2-6101-00042/00011

Facility DEC ID: 2610100042



Item 2-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: MONTHLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 8/30/2011.

Subsequent reports are due every 1 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.

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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 43: Compliance Certification
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 NO_x emissions from its facilities shall be performed in accordance with the most current version of the NO_x RACT Compliance Plan and the NO_x RACT Operating Plan, approved by the Department.

The most current version of the NO_x 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 NO_x 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 NO_x 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 NO_x Ozone Season source with the CAIR NO_x Ozone Season emissions limitation under subdivision (c) of this section.

Condition 1-4: NO_x 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 NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x 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 NO_x Ozone Season units at the source, as determined in accordance with Subpart 243-8. The CAIR NO_x ozone season is the period beginning May 1 of a calendar year, except as provided in section 243-1.6(c)(2), and ending on September 30 of the same year, inclusive.

A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

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

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

A CAIR NO_x Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x 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 concerning the source or any CAIR NO_x Ozone Season unit at the source.

The CAIR designated representative of the CAIR NO_x Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NO_x Ozone Season units at the source and shall act in accordance with the certification statement in section 243-2.4(a)(4)(iv).

Upon receipt by the Administrator of a complete certificate of representation under section 243-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO_x Ozone Season source represented and each CAIR NO_x Ozone Season unit at the source in all matters pertaining to the CAIR NO_x Ozone Season Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.

No CAIR permit will be issued, no emissions data reports will be accepted, and no CAIR NO_x Ozone Season Allowance Tracking System account will be established for a CAIR NO_x Ozone Season unit at a source, until the Administrator has received a complete certificate of representation under section 243-2.4 for a CAIR designated representative of the source and the CAIR NO_x Ozone Season units at the source.

Each submission under the CAIR NO_x Ozone Season Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO_x 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 1-10: 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 NOx Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NOx emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NOx mass emissions) for such unit for the entire year and shall report the NOx mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

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

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

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

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

**Condition 1-13: Compliance certification
Effective 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 NOx emission controls and for all hours where NOx data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate

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NOx emissions; and

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

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

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

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 44.1(From Mod 2):

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 2):

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

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(Emission Sources GT003, GT004 & GT005) exhaust through its own separate stack, identified as Emission Points GT003, GT004 & GT005, respectively.

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

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

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

Condition 2-6: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-6.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

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

Item 2-6.2:

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 during the permit term.

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 1/30/2012.

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

Condition 2-7: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013



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

Item 2-7.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005 Emission Point: GT003
Process: GTD Emission Source: GT003

Item 2-7.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Manufacturer Name/Model Number: GE 5000LA
Parameter Monitored: OPACITY



Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2012.
Subsequent reports are due every 6 calendar month(s).

Condition 2-8: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-8.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005 Emission Point: GT003
Process: GTD Emission Source: GT003

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

Item 2-8.2:

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 one during the permit term:

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's Corporate EH&S Office at 4 Irving Place, NY, NY 10003 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: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



Condition 2-9: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-9.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005
Process: GTD

Emission Point: GT004
Emission Source: GT004

Item 2-9.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner

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acceptable to the Department.

Manufacturer Name/Model Number: GE 5000LA
Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2012.
Subsequent reports are due every 6 calendar month(s).

Condition 2-10: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-10.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005 Emission Point: GT004
Process: GTD Emission Source: GT004

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

Item 2-10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil (Process GTD). The owner or operator shall complete the following once during the permit term:

- 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's Corporate EH&S Office at 4 Irving Place, NY, NY 10003 for a minimum of five years.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.10 pounds per million Btus

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Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 2-11: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-11.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Emission Point: GT005

Process: GTD

Emission Source: GT005

Item 2-11.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department

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determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

Manufacturer Name/Model Number: GE 5000LA

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2012.

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

Condition 2-12: Compliance Certification
Effective between the dates of 07/12/2011 and 03/10/2013

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

Item 2-12.1:

The Compliance Certification activity will be performed for:

Emission Unit: H-A0005

Emission Point: GT005

Process: GTD

Emission Source: GT005

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 2-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil (Process GTD). The owner or operator shall complete the following once during the permit term:

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

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maintained at the facility's Corporate EH&S Office at 4
Irving Place, NY, NY 10003 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: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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 2-13: Visible Emissions Limited
Effective between the dates of 07/12/2011 and 03/10/2013

Applicable State Requirement:6 NYCRR 211.2

Item 2-13.1:

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.

