

New York State Department of Environmental Conservation
Facility DEC ID: 2610100349



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 2-6101-00349/00011
Effective Date: 10/18/2001 Expiration Date: No expiration date

Permit Issued To: NYC ENERGY LLC
1041 THIRD AVE
SECOND FLOOR
NEW YORK, NY 10012

Contact: NYC ENERGY LLC
1041 THIRD AVENUE
NEW YORK, NY 10021
(212) 688-0180

Facility: NISA ELECTRIC GENERATION PROJECT
BROOKLYN NAVY YARD-WALLABOUT CHANNEL
BROOKLYN, NY 11205

Description:

The NISA Electric Generation Project is a 79.9-megawatt (MW) power plant. The plant consists of two (2) Pratt & Whitney FT8 combustion turbines with a duct fired HRSG, a black start diesel and a fire pump diesel. The Facility would be interconnected to the Consolidated Edison electrical distribution system. The facility is located at Wallabout Channel of Brooklyn Navy Yard (BNY).

The facility will be operated primarily on natural gas with distillate fuel used as a backup.

The applicant proposes to cap out from Title V for NOx emissions.

The facility will be limited to firing oil only 10.3 percent of the year (905 hours), which will be the maximum oil firing, in order to keep below the major facility threshold of 25 tons/year of NOx and VOC emissions. Emissions of CO will be below the threshold level of 50 tons per year.

The facility is subject to the provisions of State Facility specified under 6NYCRR 201-5.

To comply, NISA Electric Generation Project must maintain records of NOx emissions, natural gas and distillate fuel oil consumption.

Stack test must be performed within 30 days of start up to determine the actual emission rates.

The State Facility permit contains listing of the applicable federal, state and compliance monitoring requirements for the facility, its emission units and emission points.

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

Permit Administrator: WILLIAM R ADRIANCE
 DIVISION OF ENVIRONMENTAL PERMITS
 625 BROADWAY
 ALBANY, NY 12233-1750

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



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

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

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

Item 3.1:

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

Item 3.2:

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

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

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Item 4.1:

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

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

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

Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 5.1:

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

NYSDEC Regional Permit Administrator
Region 2 Headquarters
Division of Environmental Permits
1 Hunters Point Plaza, 4740 21st Street
Long Island City, NY 11101-5407
(718) 482-4997



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

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1041 THIRD AVE
SECOND FLOOR
NEW YORK, NY 10012

Facility: NISA ELECTRIC GENERATION PROJECT
BROOKLYN NAVY YARD-WALLABOUT CHANNEL
BROOKLYN, NY 11205

Authorized Activity By Standard Industrial Classification Code:
3511 - TURBINES AND TURBINE GENERATOR

Permit Effective Date: 10/18/2001

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 3 6NYCRR 200.7: Maintenance of equipment
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 6 6NYCRR 201-1.5: Emergency Defense
- 7 6NYCRR 201-1.7: Recycling and Salvage
- 8 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected
Contaminants to the Air
- 9 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 10 6NYCRR 201-3.2(a): Proof of Eligibility
- 11 6NYCRR 201-3.3(a): Proof of Eligibility
- 12 6NYCRR 201-7.2: Facility Permissible Emissions
- *13 6NYCRR 201-7.2: Compliance Demonstration
- 14 6NYCRR 202-1.1: Required emissions tests
- 15 6NYCRR 202-1.3(a): Acceptable procedures
- 16 6NYCRR 202-1.5: Prohibitions
- 17 6NYCRR 204-1.6: Permit requirements (facilities commencing operation
on or after 01/00)
- 18 6NYCRR 204-2.1: Submissions to the Department.
- 19 6NYCRR 204-4.1: Contents of reports and compliance certifications.
- 20 6NYCRR 204-4.1: Discretionary report contents.
- 21 6NYCRR 204-4.1: Compliance Demonstration
- 22 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 24 6NYCRR 204-8.1: General provisions.
- 25 6NYCRR 204-8.1: Prohibitions.
- 26 6NYCRR 204-8.1: Requirements for installation, certification, and
data accounting.
- 27 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 28 6NYCRR 204-8.2: Compliance Demonstration
- 29 6NYCRR 204-8.3: Out of control periods.
- 23 6NYCRR 204-8.4: Compliance Demonstration
- 30 6NYCRR 204-8.7: Compliance Demonstration
- 31 6NYCRR 211.3: Visible emissions limited.
- 32 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 33 6NYCRR 227-1.3(a): Compliance Demonstration
- 34 6NYCRR 227-2: Facility Permissible Emissions
- *35 6NYCRR 227-2: Compliance Demonstration
- 36 6NYCRR 227-2.6(a): Compliance Demonstration
- 37 6NYCRR 227-2.6(c): Compliance Demonstration
- 38 6NYCRR 227-2.6(c)(1): Compliance Demonstration



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- 39 40CFR 60, NSPS Subpart A: Facility Permissible Emissions
- 40 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 41 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -
If a COM is not used.
- 42 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 43 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.
- 44 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 45 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 46 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 47 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 48 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 49 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 50 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 51 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 52 40CFR 60.9, NSPS Subpart A: Availability of information.
- 53 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 54 40CFR 60.12, NSPS Subpart A: Circumvention.
- 55 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 56 40CFR 60.14, NSPS Subpart A: Modifications.
- 57 40CFR 60.15, NSPS Subpart A: Reconstruction
- 58 40CFR 60, NSPS Subpart GG: Facility Permissible Emissions
- 59 40CFR 72: Facility Subject to Title IV Acid Rain Regulations and
Permitting

Emission Unit Level

- 60 6NYCRR 201-7.2: Process Permissible Emissions
- 61 6NYCRR 227-2: Process Permissible Emissions
- 62 40CFR 60, NSPS Subpart A: Process Permissible Emissions
- 63 40CFR 60, NSPS Subpart GG: Process Permissible Emissions

EU=0-00001,EP=00001

- 64 6NYCRR 227-2.6(c)(1): Stack testing
- *65 40CFR 60, NSPS Subpart A: Compliance Demonstration
- 66 40CFR 60, NSPS Subpart A: Compliance Demonstration
- 67 40CFR 60, NSPS Subpart A: Compliance Demonstration
- *68 40CFR 60, NSPS Subpart GG: Compliance Demonstration

EU=0-00001,EP=00001,Proc=001

- 69 6NYCRR 227-2.4(e)(2): Compliance Demonstration

EU=0-00001,EP=00001,Proc=002

- 70 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 71 6NYCRR 227-1.2(a)(1): Compliance Demonstration
- 72 6NYCRR 227-1.2(b): Compliance Demonstration
- 73 6NYCRR 227-2.4(e)(2): Compliance Demonstration
- 74 40CFR 60.334(b), NSPS Subpart GG: Compliance Demonstration



STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 75 6NYCRR 201-5: General Provisions
- 76 6NYCRR 201-5: Permit Exclusion Provisions
- 77 6NYCRR 201-5: Emission Unit Definition
- 78 6NYCRR 201-5.3(b): Contaminant List
- 79 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 80 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 81 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.



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FEDERALLY ENFORCEABLE CONDITIONS

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

Condition 1: Sealing
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

(a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

(b) No person shall operate any air contamination source sealed by the commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:

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 3: Maintenance of equipment
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:

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.

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Condition 4: Unpermitted Emission Sources
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

If an existing emission source was subject to the permitting requirements of 6NYCRR Part 201 at the time of construction or modification, and the owner and/or operator failed to apply for a permit for such emission source then the following provisions apply:

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Condition 5: Unavoidable Noncompliance and Violations
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 5.1:

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 or certificate issued for the corresponding air contamination source. 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



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of the emission rates.

(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.

Condition 6: Emergency Defense
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 6.1:

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.

Condition 7: Recycling and Salvage
Effective between the dates of 10/18/2001 and Permit Expiration Date

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Applicable Federal Requirement: 6NYCRR 201-1.7

Item 7.1:

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 6 NYCRR.

Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 8.1:

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 9: Public Access to Recordkeeping
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.10(a)

Item 9.1:

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

Condition 10: Proof of Eligibility
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 10.1:

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 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Condition 11: Proof of Eligibility



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Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 23.6 tons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2002.
Subsequent reports are due every 6 calendar month(s).

Condition 14: Required emissions tests
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 14.1:

An acceptable report of measured emissions shall be submitted, as may be required by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6NYCRR Part 202-1.

Condition 15: Acceptable procedures
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.3(a)

Item 15.1:

Emission testing, sampling and analytical determinations to ascertain compliance with this Subchapter shall be conducted in accordance with test methods acceptable to the commissioner. The Reference Methods contained in part 60, appendix A and part 61, appendix B of title 40 of the Code of Federal Regulations and all future technical revisions, additions or corrections made thereto shall be considered as acceptable test methods for those sources and contaminants for which they are expressly applicable, except where the commissioner has issued a specific method to be used instead of a Reference Method contained in these Federal regulations or where the commissioner determines that one or more alternate methods are also acceptable. The person who owns or operates an air contamination source shall submit the emission test report in triplicate, to the commissioner within 60 days after the completion of tests. In the event such source owner/operator can demonstrate to the commissioner such time is not sufficient, he may request in writing and be granted an extension. Where an opacity emission standard is applicable to the source tested, the emission test report shall include the opacity observation.

Condition 16: Prohibitions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.5

Item 16.1:



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No person shall conceal an emission by the use of air or other gaseous diluents to achieve compliance with an emission standard which is based on the concentration of a contaminant in the gases emitted through a stack.

**Condition 17: Permit requirements (facilities commencing operation on or after 01/00)
Effective between the dates of 10/18/2001 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 17.1: The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NOx Budget unit commences operation.

**Condition 18: Submissions to the Department.
Effective between the dates of 10/18/2001 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 204-2.1

Item 18.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NOx authorized account representative.

**Condition 19: Contents of reports and compliance certifications.
Effective between the dates of 10/18/2001 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 19.1: The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

- (1) Identification of each NOx Budget unit; and
- (2) In the compliance certification report the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx Budget Trading Program applicable to the unit, including:
 - (i) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
 - (ii) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with Subpart 204-8;
 - (iii) Whether all the NOx emissions from the unit, or a group of units (including the unit) using a



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common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;

(iv) Whether the facts that form the basis for certification under Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 204-8, if any, has changed; and

(v) If a change is required to be reported under item (iv) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

Condition 20: Discretionary report contents.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 20.1: At the NOx authorized account representative's option the following may be included in the compliance certification report:

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

Condition 21: Compliance Demonstration

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 21.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 22: Submission of NO_x allowance transfers.
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-7.1

Item 22.1: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

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

Condition 24: General provisions.
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 24.1: The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NO_x Budget unit," "NO_x authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

Condition 25: Prohibitions.
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 25.1: No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, 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 except as provided for in 40 CFR 75.74;
- (3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality



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assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

(4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:

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

Condition 26: Requirements for installation, certification, and data accounting.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 26.1: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

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

Condition 27: Requirements for recertification of monitoring systems.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 27.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer,



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change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

Condition 28: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 28.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 28.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NO_x Budget unit under paragraphs (b)(2) or (b)(3) of this section must determine, record and report NO_x mass, heat input (if required for purposes of allocations) and any other values required to determine NO_x Mass (e.g. NO_x emission rate and heat input or NO_x concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 29: Out of control periods.
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 29.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 23: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 23.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 23.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

The address for the USEPA Administrator is as follows:

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

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

The address for the BCME is as follows:

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

ACR changes should be sent to the attention of:

NYSDEC



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

The address for the RAPCE is as follows:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 30: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 30.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 30.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 31: Visible emissions limited.
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.3

Item 31.1:

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-



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minute period per hour of not more than 57 percent opacity.

Condition 32: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 215

Item 32.1:

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

Condition 33: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 33.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 33.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 34: Facility Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2

Item 34.1:

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

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Item 36.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

CEMS TESTING, MONITORING, AND REPORTING REQUIREMENTS.

The owner/operator of combined cycle combustion turbines with maximum heat input greater than 250 million Btu per hour shall utilize CEMS as described in 6NYCRR 227-2.6(b).

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 37: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 37.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 37.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Stack test to determine the actual emission rates shall be performed within 30 days of start up.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 38: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.6(c)(1)

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Item 38.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 38.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Stack test. Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 39: Facility Permissible Emissions

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 39.1:

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

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

CAS No: 000630-08-0

PTE: 98,305 pounds per year

Name: CARBON MONOXIDE

Condition 40: EPA Region 2 address.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 40.1:

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

Director, Division of Enforcement and Compliance Assistance

USEPA Region 2

290 Broadway, 21st Floor



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New York, NY 10007-1886

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

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

**Condition 41: Date of construction notification - If a COM is not used.
Effective between the dates of 10/18/2001 and Permit Expiration Date**

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

Item 41.1:

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

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

**Condition 42: Recordkeeping requirements.
Effective between the dates of 10/18/2001 and Permit Expiration Date**

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

Item 42.1:



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

Condition 43: Excess emissions report.
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 43.1:

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

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

Condition 44: Excess emissions report.
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 44.1:

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

Condition 45: Facility files for subject sources.
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 45.1:

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



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

Condition 46: Performance testing timeline.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 46.1:

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

Condition 47: Performance test methods.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 47.1:

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

Condition 48: Required performance test information.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 48.1:

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

Condition 49: Prior notice.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 49.1:

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

Condition 50: Performance testing facilities.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 50.1:

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



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

Condition 51: Number of required tests.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 51.1:

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

Condition 52: Availability of information.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 52.1:

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

Condition 53: Opacity standard compliance testing.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 53.1:

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

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

Condition 54: Circumvention.

Effective between the dates of 10/18/2001 and Permit Expiration Date

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Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 54.1:

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

Condition 55: Monitoring requirements.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.13, NSPS Subpart A

Item 55.1:

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

Condition 56: Modifications.

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 56.1:

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

Condition 57: Reconstruction

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A

Item 57.1:

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

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



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

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

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

Condition 58: Facility Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart GG

Item 58.1:

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

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

CAS No: 0NY210-00-0 PTE: 47,200 pounds per year
Name: OXIDES OF NITROGEN

Condition 59: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 72

Item 59.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.

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

Condition 60: Process Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 60.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-00001 Process: 001



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CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 4.8 pounds per hour
42,048 pounds per year

Emission Unit: 0-00001 Process: 002

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 9.5 pounds per hour
8,598 pounds per year

Condition 61: Process Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2

Item 61.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-00001 Process: 001

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 4.8 pounds per hour
42,048 pounds per year

Emission Unit: 0-00001 Process: 002

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 9.5 pounds per hour
8,598 pounds per year

Condition 62: Process Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 62.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-00001 Process: 001

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CAS No: 000630-08-0
Name: CARBON MONOXIDE
PTE(s): 11.2 pounds per hour
98,112 pounds per year

Emission Unit: 0-00001 Process: 002

CAS No: 000630-08-0
Name: CARBON MONOXIDE
PTE(s): 11.2 pounds per hour
10,136 pounds per year

Condition 63: Process Permissible Emissions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart GG

Item 63.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-00001 Process: 001

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 4.8 pounds per hour
42,048 pounds per year

Emission Unit: 0-00001 Process: 002

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 9.5 pounds per hour
8,598 pounds per year

Condition 64: Stack testing
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.6(c)(1)

Item 64.1:

This Condition applies to Emission Unit: 0-00001 Emission Point: 00001

Item 64.2:

A stack test is required for this process. The testing procedures shall be performed per the provisions of



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6NYCRR Subpart 227-2.6(c)(1).

Condition 65: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 65.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 65.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

CEM TO MONITOR CO EMISSIONS. ANNUAL
LIMIT OF LESS THAN 50 TPY TO REMAIN BELOW
MAJOR SOURCE THRESHOLD.

Manufacturer Name/Model Number: CATALYTIC OXIDIZER

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 98112 pounds per year

Reference Test Method: METHOD 10

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 66: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 66.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Item 66.2:

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Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

NSPS REQUIREMENT OF A CONTINUOUS
EMISSION TO MONITOR FOR OPACITY.

Manufacturer Name/Model Number: (2) Pratt & Whitney FT8 Combustion Turbines.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: METHOD 9

Monitoring Frequency: CONTINUOUS

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 4/30/2002.

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

Condition 67: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60, NSPS Subpart A

Item 67.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Item 67.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of the facility shall install, calibrate, maintain, and operate an oxygen monitor. The oxygen monitor data shall be retained on site for a minimum of five years.

Monitoring Frequency: HOURLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 68: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date



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Permit ID: 2-6101-00349/00011

Facility DEC ID: 2610100349

Applicable Federal Requirement: 40CFR 60, NSPS Subpart GG

Item 68.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Regulated Contaminant(s):

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

Item 68.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

NSPS REQUIREMENT FOR A CEM TO MONITOR
NOX EMISSIONS. TOTAL ANNUAL NOX EMISSIONS
BELOW MAJOR SOURCE THRESHOLD OF 25.

Manufacturer Name/Model Number: CEM

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 48602 pounds per year

Reference Test Method: METHOD 20

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 69: Compliance Demonstration

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.4(e)(2)

Item 69.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Process: 001

Regulated Contaminant(s):

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

Item 69.2:

Compliance Demonstration shall include the following monitoring:

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Permit ID: 2-6101-00349/00011

Facility DEC ID: 2610100349



Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emission limits for combined cycle turbines firing gas.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 42.0 parts per million by volume
(dry, corrected to 15% O2)

Monitoring Frequency: ANNUALLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 70: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 70.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001
Process: 002

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 70.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

MONITOR FUEL SULFUR CONTENT.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.2 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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



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Condition 71: Compliance Demonstration

Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 71.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001
Process: 002

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

Item 71.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for singular gas turbines or multiple gas turbines ducted through a common stack, which fire liquid fuels, and that have a heat capacity exceeding 250 mmBtu/hr.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 72: Compliance Demonstration

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.2(b)

Item 72.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001
Process: 002

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

New York State Department of Environmental Conservation

Permit ID: 2-6101-00349/00011

Facility DEC ID: 2610100349



Item 72.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

TO COMPLY W/ THE 0.1LB/MMBTU PARTICULATE LIMIT STANDARD AT EMISSION POINT 0001, THE HEATING VALUE OF THE DISTILLATE FUEL OIL FIRED WILL BE 120,000 BTU'S PER GALLON.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: HEAT CONTENT

Lower Permit Limit: 120000 British thermal units per gallon

Monitoring Frequency: PER DELIVERY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

Condition 73: Compliance Demonstration

Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.4(e)(2)

Item 73.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001

Process: 002

Regulated Contaminant(s):

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

Item 73.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emission limits for combined cycle turbines firing oil.

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Permit ID: 2-6101-00349/00011

Facility DEC ID: 2610100349



Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 65.0 parts per million by volume
(dry, corrected to 15% O₂)
Monitoring Frequency: ANNUALLY
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 74: Compliance Demonstration
Effective between the dates of 10/18/2001 and Permit Expiration Date

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

Item 74.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-00001 Emission Point: 00001
Process: 002

Item 74.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Records of fuel supply and sample analysis for the determination nitrogen content in fuel for the gas turbines shall be kept and retained for a period of three (3) years and be available for inspection by personnel of federal, state and local air pollution control agencies.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2002.

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

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Permit ID: 2-6101-00349/00011

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STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 75: General Provisions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 75.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 75.2:

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.

Item 75.3:

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.

Condition 76: Permit Exclusion Provisions
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 76.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements



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contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 77: Emission Unit Definition
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 77.1:

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

Emission Unit: 0-00001

Emission Unit Description:

TWO (2) PRATT & WHITNEY FT8 COMBUSTION
TURBINES WITH A DUCT FIRED HEAT RECOVERY
STEAM GENERATOR (HRSG).

Building(s): 01

Condition 78: Contaminant List
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5.3(b)

Item 78.1:

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES



New York State Department of Environmental Conservation

Permit ID: 2-6101-00349/00011

Facility DEC ID: 2610100349

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 79: Air pollution prohibited
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 79.1:

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.

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

Condition 80: Emission Point Definition By Emission Unit
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 80.1:

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

Emission Unit: 0-00001

Emission Point: 00001

Height (ft.): 115

Diameter (in.): 216

NYTMN (km.): 4506.426 NYTME (km.): 586.969 Building: 01

Condition 81: Process Definition By Emission Unit
Effective between the dates of 10/18/2001 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 81.1:

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

Emission Unit: 0-00001

Process: 001

Source Classification Code: 2-01-002-01

Process Description:

THE TWO (2) PRATT & WHITNEY COMBUSTION

TURBINES WILL FIRE NATURAL GAS FOR AN



UNLIMITED AMOUNT OF TIME DURING THE YEAR.

Emission Source/Control: 00001 - Combustion
Design Capacity: 304.9 million Btu per hour

Emission Source/Control: 00002 - Combustion
Design Capacity: 304.9 million Btu per hour

Emission Source/Control: 00007 - Combustion
Design Capacity: 176 million Btu per hour

Emission Source/Control: 00003 - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Emission Source/Control: 00004 - Control
Control Type: CATALYTIC OXIDATION

Item 81.2:

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

Emission Unit: 0-00001
Process: 002 Source Classification Code: 2-01-001-01
Process Description:
THE TWO (2) PRATT & WHITNEY COMBUSTION
TURBINES WILL FIRE DISTILLATE FOR A MAXIMUM
OF 905 HOURS PER YEAR.

Emission Source/Control: 00001 - Combustion
Design Capacity: 304.9 million Btu per hour

Emission Source/Control: 00002 - Combustion
Design Capacity: 304.9 million Btu per hour

Emission Source/Control: 00007 - Combustion
Design Capacity: 176 million Btu per hour

Emission Source/Control: 00003 - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Emission Source/Control: 00004 - Control
Control Type: CATALYTIC OXIDATION