**New York State Department of Environmental Conservation**
**Facility DEC ID: 2620200538**

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility
Permit ID: 2-6202-00538/00001
Effective Date: 08/01/1999 Expiration Date: No expiration date

Permit Issued To: CLARIDES CO
101 WEST 55 STREET
NEW YORK, NY 10019

Contact: MARTIN O'HARA
MANHATTAN SKYLINE INC
103 WEST 55 STREET
NEW YORK, NY 10019

Facility: CLARIDES BUILDING
101 WEST 55TH ST
NEW YORK, NY 10019

Contact: MARTIN O'HARA
MANHATTAN SKYLINE INC
103 WEST 55 STREET
NEW YORK, NY 10019

Description:
NATURE OF BUSINESS OF THE FACILITY:

Apartment house boiler facility.

6514 (primary SIC) - Dwelling Operators, Executive Apartments.

TYPE OF EQUIPMENT AND OPERATION AT THE FACILITY:

This facility consists of two 8.8 mmBtu/hr heat input boilers which fire residual oil.

AIR PERMIT APPLICABILITY:

Air State Facility general permit for Small Stationary Combustion Installations. The facility's potential emissions of carbon monoxide, particulate matter, nitrogen oxides, sulfur dioxide, and VOCs shall be permitted below Title V thresholds.

CAPPING:

Yes.

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2620200538**

CONSENT ORDERS OR COMPLIANCE PLANS:

None.

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: CHARLES DEQUILLFELDT
ONE HUNTERS POINT PLAZA
47-40 21ST STREET
LONG ISLAND CITY, NY 11101-5407

Authorized Signature: _____ Date: ___ / ___ / _____

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2620200538**

## Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2620200538**

**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**

**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

**New York State Department of Environmental Conservation**
**Permit ID: 2-6202-00538/00001 Facility DEC ID: 2620200538**

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

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: CLARIDES CO
101 WEST 55 STREET
NEW YORK, NY 10019

Facility: CLARIDES BUILDING
101 WEST 55TH ST
NEW YORK, NY 10019

Authorized Activity By Standard Industrial Classification Code:
6514 - DWELLING OPERATORS, EXC. APART

Permit Effective Date: 08/01/1999 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: Compliance Demonstration
13 6NYCRR 202-1.1: Required emissions tests
14 6NYCRR 211.3: Visible emissions limited.
15 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
16 6NYCRR 225-1.8: Compliance Demonstration

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

17 6NYCRR 201-5: General Provisions
18 6NYCRR 201-5: General Provisions: Facilities Subject to Subpart 201-5 but not 201-6
19 6NYCRR 201-5.3(b): Contaminant List
20 6NYCRR 211.2: Air pollution prohibited
21 6NYCRR 217-3.2(a): Diesel truck opacity limitation
22 6NYCRR 217-3.2(b): Idling of diesel trucks limited
23 6NYCRR 225-1.2(a)(2): Compliance Demonstration

**FEDERALLY ENFORCEABLE CONDITIONS**
****** Facility Level ******

**Condition 1: Sealing**
**Effective between the dates of 08/01/1999 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 08/01/1999 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 08/01/1999 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.

**Condition 4: Unpermitted Emission Sources**
**Effective between the dates of 08/01/1999 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 08/01/1999 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

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 08/01/1999 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 08/01/1999 and Permit Expiration Date**

**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 08/01/1999 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 08/01/1999 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 08/01/1999 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**

**Effective between the dates of 08/01/1999 and Permit Expiration Date**

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

**Item 11.1:**
The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Condition 12: Compliance Demonstration**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 201-7.2**

**Item 12.1:**
The Compliance Demonstration activity will be performed for the Facility.

**Item 12.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
Capping provisions for synthetic minor facilities firing residual oil.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: NUMBER 6 OIL
Upper Permit Limit: 666000 gallons per year
Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 13: Required emissions tests**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 13.1:**
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 14: Visible emissions limited.**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 14.1:**
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 15: Open Fires Prohibited at Industrial and Commercial Sites**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 15.1:**
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 16: Compliance Demonstration**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable Federal Requirement: 6NYCRR 225-1.8**

**Item 16.1:**
The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, 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 maximum of three years.

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 17: General Provisions**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 17.1:**
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 17.2:**
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 17.3:**
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 18: General Provisions: Facilities Subject to Subpart 201-5**
**but not 201-6**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 201-5**

**Item 18.1:**
The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

**Condition 19: Contaminant List**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

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

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

No contaminants.

**Condition 20: Air pollution prohibited**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 20.1:**
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 21: Diesel truck opacity limitation**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 217-3.2(a)**

**Item 21.1:**
No person who owns, operates or leases a vehicle propelled by a diesel engine or who owns, leases or occupies land and has actual or apparent dominion or control over the operation of a vehicle propelled by a diesel engine which is present on said land, shall operate said vehicle or allow or permit it to be operated, in such a manner that exhaust emissions of a shade of blue, black, or gray equal to or greater than No. 1 on the Ringelmann chart (20 percent opacity) or equivalent standard acceptable to the commissioner are produced for a continuous period of more than five seconds when the vehicle is in motion.

**Condition 22: Idling of diesel trucks limited**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

**Applicable State Requirement: 6NYCRR 217-3.2(b)**

**Item 22.1:**
No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.

**Condition 23: Compliance Demonstration**
**Effective between the dates of 08/01/1999 and Permit Expiration Date**

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

**Item 23.1:**
The Compliance Demonstration activity will be performed for the Facility.

**Item 23.2:**
Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:
No person will sell, offer for sale, purchase or use any residual oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.30 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY