

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 2620400019**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6204-00019/00006  
Mod 0 Effective Date: 08/16/2001 Expiration Date: 08/15/2006  
Mod 1 Effective Date: 04/27/2004 Expiration Date: 08/15/2006

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

Facility: CON ED-74TH STREET STA  
503 E 74TH STREET  
NEW YORK, NY 10021

Contact: OLEG KROTOFF  
CONSOLIDATED EDISON CO OF NY INC  
4 IRVING PLACE - ROOM 828  
NEW YORK, NY 10003  
(212) 460-4413

Description:  
Modification 1 was initiated by NYSDEC to address and implement Title V Permit changes requested by USEPA. USEPA had determined that such changes are needed in response to a petition filed by NYPIRG.

Con Edison produces electricity and steam at this facility. The facility operates three Very Large boilers rated at 836 MMBtu/hr each, six Large boilers rated at 180 MMBtu/hr each and two combustion turbines rated at 223 MMBtu/hr each. The Very Large boilers are in operation since 1955, the Large boilers are in operation since 1977 and the turbines are in operation since 1968. The boilers combust residual oil and natural gas. The turbines combust distillate oil .

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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:            JOHN F CRYAN  
   DIVISION OF ENVIRONMENTAL PERMITS  
   ONE HUNTERS POINT PLAZA, 47-40 21ST STREET  
   LONG ISLAND CITY, NY 11101-5407

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees, and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the 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

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

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 \*\*\*\***

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

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

**Item 2.1:**

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

**Condition 1-1: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 1-1.1:**

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 1-1.2:**

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

**Item 1-1.3:**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute,



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regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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

**Expired by Mod No: 1**

**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 1-2: Permit Modifications, Suspensions and Revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.14**

**Item 1-2.1:**

The Department reserves the right to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

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

**Expired by Mod No: 1**

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

**ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT**

**IDENTIFICATION INFORMATION**

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4 IRVING PL RM 828  
NEW YORK, NY 10003-3502

Facility: CON ED-74TH STREET STA  
503 E 74TH STREET  
NEW YORK, NY 10021

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES  
4961 - STEAM SUPPLY



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 6NYCRR 200.3: False Statement
- 26 6NYCRR 201-6: Emission Unit Definition
- 1-1 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 1-2 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 1-3 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 1-4 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 1-5 6NYCRR 201-6.5(e): Compliance Certification
- 31 6NYCRR 202-2.1: Compliance Certification
- 32 6NYCRR 202-2.5: Recordkeeping requirements
- 1-6 6NYCRR 204-8.4: Compliance Certification
- 1-7 6NYCRR 207.3(d): Compliance Certification
- 40 6NYCRR 225-1.4: Temporary variances.
- 1-8 6NYCRR 225.1(a)(3): Compliance Certification
- 1-9 6NYCRR 225.1(a)(3): Compliance Certification
- 1-10 6NYCRR 225.7(a): Compliance Certification
- 44 6NYCRR 227-2.1: This condition states the facility is applicable to NOx RACT.
- 45 6NYCRR 227-2.3: Compliance plans and deadlines.
- 46 6NYCRR 227-2.5(b): Compliance Certification
- 1-11 40CFR 68: Accidental release provisions.
- 52 40CFR 72: Facility is subject to Title IV (Acid Rain) Permitting

**Emission Unit Level**

- 54 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 55 6NYCRR 201-6: Process Definition By Emission Unit

**EU=7-40020**

- 1-12 6NYCRR 201-6.5(e): Compliance Certification
- 56 6NYCRR 204-1.6: Permits requirements.
- 57 6NYCRR 204-2.1: Submissions to the Department.
- 58 6NYCRR 204-4.1: Content of reports and compliance certifications.
- 59 6NYCRR 204-4.1: Discretionary report contents.
- 60 6NYCRR 204-4.1: Compliance Certification
- 61 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 62 6NYCRR 204-8.1: General provisions.
- 63 6NYCRR 204-8.1: Prohibitions.
- 64 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 65 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 66 6NYCRR 204-8.2: Compliance Certification
- 67 6NYCRR 204-8.3: Out of control periods.
- 69 6NYCRR 204-8.7: Compliance Certification
- 71 6NYCRR 227-1.3: Compliance Plan

**EU=7-40020,Proc=GTD**

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1-13 6NYCRR 227-2.6(c): Compliance Certification

**EU=7-40020,EP=00001**

1-14 6NYCRR 227-1.2(a)(1): Compliance Certification

1-15 6NYCRR 227-1.2(a)(1): Compliance Certification

83 6NYCRR 227-1.3: Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

1-16 ECL 19-0301: Contaminant List

1-17 6NYCRR 201-1.4: Unavoidable noncompliance and violations

86 6NYCRR 211.2: Air pollution prohibited

1-18 6NYCRR 238-1.6(f): Liability

1-19 6NYCRR 238-1.6(g): Effect on Other Authorities

**Emission Unit Level**

**EU=7-40020**

1-20 6NYCRR 238-1.4: Applicability

1-21 6NYCRR 238-1.6(a): Permit Requirements

1-22 6NYCRR 238-1.6(c): Compliance Demonstration

1-23 6NYCRR 238-1.6(e): Compliance Demonstration

1-24 6NYCRR 238-2.1: Submissions to the Department

1-25 6NYCRR 238-4.1: Compliance Demonstration

1-26 6NYCRR 238-7.1: Submission of SO<sub>2</sub> allowance transfers

1-27 6NYCRR 238-8: Compliance Demonstration

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Permit Expiration Date: 08/15/2006



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6NYCRR Part 200.5**

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 labeling 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.

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.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

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.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

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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.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

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.

**Item E: Emergency Defense - 6NYCRR Part 201-1.5**

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the



emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

**Item F:                    Recycling and Salvage - 6NYCRR Part 201-1.7**

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.

**Item G:                    Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

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.

**Item H:                    Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item I:                    Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

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

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requirements, regulations, or law.

- Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**  
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.
- Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**  
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item L: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**  
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**  
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

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**Requirements - 6 NYCRR Part 201-6.5(a)(3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

**Item Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

This permit does not convey any property rights of any sort or any exclusive privilege.

**Item R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted

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facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

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

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

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Item T: Severability - 6 NYCRR Part 201-6.5(a)(9)**

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

**Item U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. Such progress reports shall contain the following:

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

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

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such

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changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: Permit Shield - 6 NYCRR Part 201-6.5(g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the

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Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item X: Reopening for Cause - 6 NYCRR Part 201-6.5(i)**

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide

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a shorter time period in the case of an emergency.

**Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

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.

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item AA: Open Fires - 6 NYCRR Part 215**

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.

**Item BB: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item CC: Federally Enforceable Requirements - 40 CFR 70.6(b)**

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All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**

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

**Condition 1: False Statement**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 200.3**

**Item 1.1:**  
The provisions of 6NYCRR Part 200.3 apply to this facility.

**Condition 26: Emission Unit Definition**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 26.1(From Mod 1):**  
The facility is authorized to perform regulated processes under this permit for:

Emission Unit: 7-40020

Emission Unit Description:

Very large boilers 120, 121 and 122, Large boilers 123 through 128 and Combustion Turbines 1 and 2. All boilers have the capability to burn residual oil and will be equipped for natural gas ignition and the capability to combust natural gas. Boilers 120, 121 and 122 have a condensing heat exchanger on the exhaust, as a research and development project. The Combustion Turbines have the capability to fire distillate oil. In order to comply with the NOx requirements of 6NYCRR Subpart 227-2, the Very Large boilers are using off-stoichiometric firing and the Large boilers are using low excess air. Three boilers (emission sources 120, 121 & 122 ) and two tubines (GT001 and GT002) are NOx Budget units. As required by regulation Part 204 (a NOx budget application



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was submitted to the Department on April 19, 2002.

Three boilers (emission sources 120, 121 & 122) are also subject to Part 238, since they are SO<sub>2</sub> budget units.

Building(s): BOILERHS

**Condition 1-1: Recordkeeping and reporting of compliance monitoring  
Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-1.1:**

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

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

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

**Condition 1-2: Monitoring, Related Recordkeeping, and Reporting  
Requirements.  
Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-2.1:**

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

**Condition 1-3: Compliance Certification  
Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-3.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 1-3.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Con Edison shall comply with 6 NYCRR Part 205 requirements as follows;

(a) Except as provided in (b) and (c), no person will sell, offer for sale, or apply any architectural coating manufacturer after July 1, 1989, which:

(1) contains more than 250 grams of volatile organic compounds per liter (2.09 lbs/gal) of coating excluding water and any colorant added to tint bases; or

(2) is recommended for use as a bituminous pavement sealer, unless it is a water emulsion-type coating.

(b) Except as provided in (c), no person will sell, offer for sale, or apply any nonflat architectural coating manufactured after July 1, 1989, which contains more than 380 grams of volatile organic compounds per liter (3.17 lbs/gal) of coating excluding water and any colorant added to tint bases.

(c) No person will sell, offer for sale, or apply any specialty architectural coating, manufactured after July 1, 1989, which has a volatile organic compound content, expressed as grams of volatile organic compounds per liter of coating excluding water and any colorant added to tint bases, in excess of the limits specified in 6 NYCRR Part 205.4(c).

The facility must maintain records certifying that any architectural surface coating material, as defined under 6 NYCRR Part 205.1, complies with the VOC content requirements set forth in 6 NYCRR Part 205.4.

Information regarding the composition and/or formulation of the applicable architectural surface coating material as provided by the supplier may be used. Certification may be in the form of standards formulation sheets, material safety data sheets, the results of analytical tests or other methods approved in advance by DEC,



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provided the required information can be readily extracted from the documents. All the records must be kept at the facility for five years.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 1-4: Compliance Certification**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-4.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-4.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

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

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

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

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Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 6 calendar month(s).

**Condition 1-5: Compliance Certification**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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Monitoring Description:

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

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

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

The address for the RAPCE is as follows:

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

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 8/14/2002.  
Subsequent reports are due on the same day each year

**Condition 31: Compliance Certification**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 202-2.1**

**Item 31.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 31.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:  
Emission statements shall be submitted on or before April  
15th each year for emissions of the previous calendar  
year.

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

**Condition 32: Recordkeeping requirements**  
**Effective between the dates of 08/16/2001 and 08/15/2006**



**Applicable Federal Requirement: 6NYCRR 202-2.5**

**Item 32.1:**

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

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

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

**Condition 1-6: Compliance Certification**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.4**

**Item 1-6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The Authorized Account Representative for a NO<sub>x</sub> Budget unit shall submit written notice to the Department and the USEPA Administrator in accordance with the requirements of this subpart as follows:

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

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

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The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division  
1200 Pennsylvania Avenue  
Washington D.C. 20460

Washington D.C. 20460

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

The address for the BCME is as follows:

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

AAR changes should be sent to the attention of:

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

The address for the RAPCE is as follows:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-7: Compliance Certification**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 207.3(d)**

**Item 1-7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-7.2:**

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall take whatever actions prescribed in the most recent approved episode action plan when an air pollution episode is in effect.

The most recent approved episode action plan, dated October 28, 1997 is an attachment to the permit, and also available for review at the regional office of the Department.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 40: Temporary variances.  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 225-1.4**

**Item 40.1:**

Upon application by an air contamination source owner or a fuel supplier the commissioner may issue an order granting a temporary variance from the provisions of 6 NYCRR Part 225-1 where it can be shown, to the commissioner's satisfaction, that there is an insufficient supply of conforming fuel, either:

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

**Condition 1-8: Compliance Certification  
Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 225.1(a)(3)**

**Item 1-8.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-8.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any distillate oil which has sulfur content greater than 0.20



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percent by weight. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.20 percent by weight  
Monitoring Frequency: PER DELIVERY  
Reporting Requirements: MONTHLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 5/30/2004.  
Subsequent reports are due every 1 calendar month(s).

**Condition 1-9: Compliance Certification**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 225.1(a)(3)**

**Item 1-9.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-9.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any residual oil which has sulfur content greater than 0.30 percent by weight. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 6 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.30 percent by weight  
Monitoring Frequency: PER DELIVERY  
Reporting Requirements: MONTHLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 5/30/2004.  
Subsequent reports are due every 1 calendar month(s).

**Condition 1-10: Compliance Certification**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 225.7(a)**

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**Item 1-10.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-10.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 44: This condition states the facility is applicable to NOx RACT.**

**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 227-2.1**

**Item 44.1:**

This facility is subject to NOx RACT.

**Condition 45: Compliance plans and deadlines.**

**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 227-2.3**

**Item 45.1:**

All existing combustion installations at major stationary sources of NOx subject to Subpart 227-2 shall by March 15, 1994 identify measures necessary to achieve compliance with Subpart 227-2.

Requirements contained in an permit(s) to construct or certificates to operate in effect which are more restrictive than those contained in this Subpart, or which impose additional requirements beyond those contained in this Subpart, will remain in effect. Small boilers are not subject to this section. Any owner or operator of a facility subject to this section must submit to the Department an operating plan acceptable to the Department (items to be included at a minimum are listed in 227- 2.3g).

**Condition 46: Compliance Certification**



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**Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 46.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 46.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2001.

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

**Condition 1-11: Accidental release provisions.**

**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable Federal Requirement: 40CFR 68**

**Item 1-11.1:**

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

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



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USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866  
ATTN: Accidental Release Program contact

**Condition 52: Facility is subject to Title IV (Acid Rain) Permitting  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 40CFR 72**

**Item 52.1:**

This facility is subject to the Title IV (Acid Rain) Permitting Program which consists of requirements found in 40 CFR 70, 72, 73, 75, and 76.

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

**Condition 54: Emission Point Definition By Emission Unit  
Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 54.1(From Mod 1):**

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

Emission Unit: 7-40020

Emission Point: 00001

Height (ft.): 494

Diameter (in.): 192

NYTMN (km.): 4513.523 NYTME (km.): 588.533 Building: BOILERHS

**Condition 55: Process Definition By Emission Unit  
Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 55.1(From Mod 1):**

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

Emission Unit: 7-40020

Process: GTD

Source Classification Code: 2-01-001-01

Process Description:

This process includes: two (2) combustion turbines, GT 1 and 2 rated at 223 MMBtu/hr each. These turbines combust only distillate oil.

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Emission Source/Control: GT001 - Combustion  
Design Capacity: 223 million Btu per hour

Emission Source/Control: GT002 - Combustion  
Design Capacity: 223 million Btu per hour

**Item 55.2(From Mod 1):**

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

Emission Unit: 7-40020

Process: NG1

Source Classification Code: 1-01-006-01

Process Description:

This process includes: three (3) tangentially fired boilers (Nos. 120, 121, and 122) rated at 836 MMBtu/hr each. This process covers the combustion of natural gas in these boilers. These boilers will be equipped for natural gas ignition and the capability to combust natural gas. A condensing heat exchanger is installed on the exhaust of these boilers. It is a research and development process, which operates with written approval from NYSDEC.

Emission Source/Control: 00120 - Combustion  
Design Capacity: 836 million Btu per hour

Emission Source/Control: 00121 - Combustion  
Design Capacity: 836 million Btu per hour

Emission Source/Control: 00122 - Combustion  
Design Capacity: 836 million Btu per hour

**Item 55.3(From Mod 1):**

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

Emission Unit: 7-40020

Process: NG2

Source Classification Code: 1-01-006-01

Process Description:

This process includes: six (6) normally fired boilers (Nos. 123 through 128) rated at 180 MMBtu/hr each. This process covers the combustion of natural gas in these boilers.

Emission Source/Control: 00123 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00124 - Combustion  
Design Capacity: 180 million Btu per hour



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Emission Source/Control: 00125 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00126 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00127 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00128 - Combustion  
Design Capacity: 180 million Btu per hour

**Item 55.4(From Mod 1):**

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

Emission Unit: 7-40020

Process: RO1

Source Classification Code: 1-01-004-04

Process Description:

This process includes: three (3) tangentially fired boilers (Nos. 120, 121, and 122) rated at 836 MMBtu/hr each. This process covers the combustion of residual oil in these boilers. A condensing heat exchanger is installed on the exhaust of these boilers. It is a research and development process, which operates with written approval from NYSDEC.

Emission Source/Control: 00120 - Combustion  
Design Capacity: 836 million Btu per hour

Emission Source/Control: 00121 - Combustion  
Design Capacity: 836 million Btu per hour

Emission Source/Control: 00122 - Combustion  
Design Capacity: 836 million Btu per hour

**Item 55.5(From Mod 1):**

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

Emission Unit: 7-40020

Process: RO2

Source Classification Code: 1-01-004-01

Process Description:

This process includes: six (6) normally fired boilers (Nos. 123 through 128) rated at 180 MMBtu/hr each. This process covers the combustion of residual oil in these boilers.

Emission Source/Control: 00123 - Combustion  
Design Capacity: 180 million Btu per hour



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Emission Source/Control: 00124 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00125 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00126 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00127 - Combustion  
Design Capacity: 180 million Btu per hour

Emission Source/Control: 00128 - Combustion  
Design Capacity: 180 million Btu per hour

**Condition 1-12: Compliance Certification**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-12.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020

**Item 1-12.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Tune-up shall be performed annually for the two turbines and nine boilers listed in this emission unit. The owner or operator shall maintain a log (in a format acceptable to the Department) containing the following information for each unit:

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

The tune-ups shall serve as periodic monitoring for both NOx and particulate matter emissions.

Monitoring Frequency: ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



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Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 6 calendar month(s).

**Condition 56: Permits requirements.**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-1.6**

**Item 56.1:**

This Condition applies to Emission Unit: 7-40020

**Item 56.2:** 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.

**Condition 57: Submissions to the Department.**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-2.1**

**Item 57.1:**

This Condition applies to Emission Unit: 7-40020

**Item 57.2:** 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 58: Content of reports and compliance certifications.**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-4.1**

**Item 58.1:**

This Condition applies to Emission Unit: 7-40020

**Item 58.2:** 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



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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 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 59: Discretionary report contents.**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-4.1**

**Item 59.1:**

This Condition applies to Emission Unit: 7-40020

**Item 59.2:** 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 60: Compliance Certification**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-4.1**

**Item 60.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020

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**Item 60.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 61: Submission of NOx allowance transfers.  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-7.1**

**Item 61.1:**

This Condition applies to Emission Unit: 7-40020

**Item 61.2:** The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:

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

**Condition 62: General provisions.  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 62.1:**

This Condition applies to Emission Unit: 7-40020

**Item 62.2:** The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx 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 "NOx Budget unit," "NOx authorized account representative," and



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"continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

**Condition 63: Prohibitions.**

**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 63.1:**

This Condition applies to Emission Unit: 7-40020

**Item 63.2:** No owner or operator of a NO<sub>x</sub> Budget unit or a non-NO<sub>x</sub> 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<sub>x</sub> emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 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<sub>x</sub> mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 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 NO<sub>x</sub> 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 64: Requirements for installation, certification, and data accounting.**

**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 64.1:**

This Condition applies to Emission Unit: 7-40020

**Item 64.2:** The owner or operator of each NO<sub>x</sub> Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO<sub>x</sub> Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:



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- (1) Install all monitoring systems required under this Subpart for monitoring NO<sub>x</sub> mass. This includes all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> 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 NO<sub>x</sub> 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 65: Requirements for recertification of monitoring systems.  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.2**

**Item 65.1:**

This Condition applies to Emission Unit: 7-40020

**Item 65.2:** 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 NO<sub>x</sub> mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

**Condition 66: Compliance Certification  
Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.2**

**Item 66.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020

**Item 66.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NO<sub>x</sub> Budget unit under

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paragraphs (b)(2) or (b)(3) of this section must determine, record and report NOx mass, heat input (if required for purposes of allocations) and any other values required to determine NOx Mass (e.g. NOx emission rate and heat input or NOx 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 67: Out of control periods.**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.3**

**Item 67.1:**

This Condition applies to Emission Unit: 7-40020

**Item 67.2:** 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 69: Compliance Certification**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable Federal Requirement: 6NYCRR 204-8.7**

**Item 69.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020

**Item 69.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 71: Compliance Plan**



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**Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 71.1:**

Compliance will be achieved according to the following schedule for the emission units, processes, sources or emission points specified in this permit:

Emission Unit: 7-40020

Consent Order: D2-0003-97

Progress Report Begin Date: 11/15/1997

**Item 71.2:**

Remedial Measure:

Schedule Date: 11/15/1997

Con Edison (CE) signed Consent Order No. D2-000397. CE shall comply with Appendix A of this Consent Order which is attached to this Permit.

**Condition 1-13: Compliance Certification**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-13.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020

Process: GTD

Regulated Contaminant(s):

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

**Item 1-13.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall submit a compliance test protocol to the Department for approval, to sample NOx emissions, at least 90 days prior to emission testing on the two turbines (emission sources GT001 and GT002) at the facility. The conditions of the testing and the locations of the sampling devices must be acceptable to the Department.

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT



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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 1-14: Compliance Certification**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-14.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-14.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To assure ongoing compliance with the particulate matter (PM) limit of 0.10 lbs/mmbtu, Con Edison shall perform the following;

i) For boilers burning residual fuel oil, the facility shall calculate the total PM emissions in pounds, and the average PM emissions in pounds per million btu, based on the sulfur content (S) and the heating value of the fuel burned, using the AP-42, Table 1.3-1 PM emission rate formula:

$(9.19(S) + 3.22 + 1.5) \text{lb}/1,000 \text{ gal} * \text{gal}/\text{mmbtu} < 0.10 \text{ lbs}/\text{mmbtu}$

where S is the weight percentage of Sulfur in the oil.

(ii) For the turbines burning distillate oil, the facility shall calculate the total PM emissions in pounds, and the average PM emissions in pounds per million btu, based on the heating value of the fuel burned, and the AP-42, Table 3.1-2a PM emission rate factor for distillate oil-fired turbines

$(0.0043 + 0.0072) \text{ lb}/\text{mmbtu} < 0.10 \text{ lbs}/\text{mmbtu}$ .

All the records must be kept at the facility for five

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years and submitted quarterly to the Department.

Monitoring Frequency: MONTHLY  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 3 calendar month(s).

**Condition 1-15: Compliance Certification**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-15.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 7-40020 Emission Point: 00001

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

**Item 1-15.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:

Particulate emission limit for singular boilers or multiple boilers and 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: 0.10 pounds per million Btus  
Reference Test Method: EPA Method 5  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: ARITHMETIC MEAN  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 6 calendar month(s).

**Condition 83: Compliance Certification**

**Effective between the dates of 08/16/2001 and 08/15/2006**

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

**Item 83.1:**

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The Compliance Certification activity will be performed for:

Emission Unit: 7-40020 Emission Point: 00001

**Item 83.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

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

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

- (1) The magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not to exceed 27 percent;
- (2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- (3) Identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;
- (4) The total time in which the COMS are required to record data during the reporting period;
- (5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time which the COMS are required to record data.

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Manufacturer Name/Model Number: Land, Model #4500  
Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 40 CFR 60 APP B  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable Parts of this Chapter and existing laws, and shall operate the facility in accordance with all criteria, emission limits, terms, conditions, and standards in this permit. Failure of such person to properly operate and maintain the effectiveness of such emission units and emission control devices may be sufficient reason for the Department to revoke or deny a permit.

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable and are not subject to annual compliance certification requirements for Title V permits.**

**Condition 1-16: Contaminant List**

**Effective between the dates of 04/27/2004 and 08/15/2006**

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

**Item 1-16.1:**

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



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

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

CAS No: 0NY998-00-0  
Name: VOC

**Condition 1-17: Unavoidable noncompliance and violations**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 201-1.4**

**Item 1-17.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.



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(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

**Condition 86: Air pollution prohibited**  
**Effective between the dates of 08/16/2001 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 86.1:**

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 1-18: Liability**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-1.6(f)**

**Item 1-18.1:**

No permit revision shall excuse any violation of the requirements of the ADR SO<sub>2</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR SO<sub>2</sub> Budget Trading Program that applies to an SO<sub>2</sub> budget source (including a provision applicable to the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source) shall also apply to the owners and operators of such source and of the SO<sub>2</sub> budget units at the source;

Any provision of the ADR SO<sub>2</sub> Budget Trading Program that applies to an SO<sub>2</sub> budget unit (including a provision applicable to the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 238-8, the owners and operators and the SO<sub>2</sub> authorized account representative of one SO<sub>2</sub> budget unit shall not be liable for any violation by any other SO<sub>2</sub> budget unit of which they are not owners or operators or the SO<sub>2</sub> authorized account representative and that is located at a source of which they are not owners or operators or the SO<sub>2</sub> authorized account representative.

**Condition 1-19: Effect on Other Authorities**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-1.6(g)**

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**Item 1-19.1:**

No provision of the ADR SO<sub>2</sub> Budget Trading Program, an SO<sub>2</sub> budget permit application, or an SO<sub>2</sub> budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source or SO<sub>2</sub> budget unit from compliance with any other provisions of applicable State and federal law and regulation.

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

**Condition 1-20: Applicability**

Effective between the dates of 04/27/2004 and 08/15/2006

**Applicable State Requirement: 6NYCRR 238-1.4**

**Item 1-20.1:**

This Condition applies to Emission Unit: 7-40020

**Item 1-20.2:**

The administrator has determined this to be an affected SO<sub>2</sub> budget unit as defined at 42 U.S.C. section 7651a(2); and is subject to the requirements of NYCRR Part 238. With the exception of any SO<sub>2</sub> budget unit which has shutdown in accordance with section 238-1.5 and which no longer has any outstanding compliance obligations stemming from its prior operation, NYCRR 238 applies to every SO<sub>2</sub> budget unit.

**Condition 1-21: Permit Requirements**

Effective between the dates of 04/27/2004 and 08/15/2006

**Applicable State Requirement: 6NYCRR 238-1.6(a)**

**Item 1-21.1:**

This Condition applies to Emission Unit: 7-40020

**Item 1-21.2:**

The SO<sub>2</sub> authorized account representative of each SO<sub>2</sub> budget unit shall:

(i) submit to the department a complete SO<sub>2</sub> budget permit application under section 238-3.3 in accordance with the deadlines specified in NYCRR 238-3.2; which states the later of January 1, 2004 or 12 months before the date on which the SO<sub>2</sub> budget unit commences operation;

(ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review an SO<sub>2</sub> budget permit application and issue or deny an SO<sub>2</sub> budget permit.

The owners and operators of each SO<sub>2</sub> budget unit shall have an SO<sub>2</sub> budget permit and operate the unit in compliance with such SO<sub>2</sub> budget permit.

**Condition 1-22: Compliance Demonstration**

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**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-1.6(c)**

**Item 1-22.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 7-40020

**Item 1-22.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of each SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall hold SO<sub>2</sub> allowances available for compliance deductions under NYCRR 238-6.5, as of the SO<sub>2</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO<sub>2</sub> emissions for the control period from the unit, as determined in accordance with NYCRR 238-8.

Each ton of sulfur dioxide emitted in excess of the SO<sub>2</sub> budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

An SO<sub>2</sub> budget unit shall be subject to the requirements under NYCRR 1.6 (c)(1) on the date on which the unit commences operation.

SO<sub>2</sub> allowances shall be held in, deducted from, or transferred among SO<sub>2</sub> Allowance Tracking System accounts in accordance with NYCRR 238-5, 238-6, and 238-7.

Except for future control period SO<sub>2</sub> allowances which may be deducted pursuant to NYCRR 238-6.5(f), an SO<sub>2</sub> allowance shall not be deducted, in order to comply with the requirements under NYCRR 238-1.6(c)(1) for a control period in a year prior to the year for which the SO<sub>2</sub> allowance was allocated.

An SO<sub>2</sub> allowance allocated by the department under the ADR SO<sub>2</sub> budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO<sub>2</sub> Budget Trading Program. No provision of the ADR SO<sub>2</sub> Budget Trading Program, the SO<sub>2</sub>

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budget permit application, or the SO<sub>2</sub> budget permit or any provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

An SO<sub>2</sub> allowance allocated by the department under the ADR SO<sub>2</sub> Budget Trading Program does not constitute a property right.

The owners and operators of an SO<sub>2</sub> budget unit that has excess emissions in any control period shall:  
Forfeit the SO<sub>2</sub> allowances required for deduction under NYCRR 238-6.5(d)(1); and Pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 238-6.5(d)(3).

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-23: Compliance Demonstration**

**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-1.6(e)**

**Item 1-23.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 7-40020

**Item 1-23.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Unless otherwise provided, the owners and operators of the SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall keep on site at the source each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the department.

The account certificate of representation for the SO<sub>2</sub> authorized account representative for the source and each SO<sub>2</sub> budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 238-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year



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period until such documents are superseded because of the submission of a new account certificate of representation changing the SO<sub>2</sub> authorized account representative;  
All emissions monitoring information, in accordance with NYCRR 238-8;

Copies of all reports, compliance certifications, and other submissions and all records made or required under the ADR SO<sub>2</sub> Budget Trading Program;

Copies of all documents used to complete an SO<sub>2</sub> budget permit application and any other submission under the ADR SO<sub>2</sub> Budget Trading Program or to demonstrate compliance with the requirements of the ADR SO<sub>2</sub> Budget Trading Program;

The SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall submit the reports and compliance certifications required under the ADR SO<sub>2</sub> Budget Trading Program, including those under NYCRR 238-4, or 238-8.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-24: Submissions to the Department**

**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-2.1**

**Item 1-24.1:**

This Condition applies to Emission Unit: 7-40020

**Item 1-24.2:**

Each submission under the Acid Deposition Reduction (ADR) SO<sub>2</sub> Budget Trading Program shall be submitted, signed, and certified by the SO<sub>2</sub> authorized account representative for each SO<sub>2</sub> budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO<sub>2</sub> authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO<sub>2</sub> budget sources or SO<sub>2</sub> budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

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**Condition 1-25: Compliance Demonstration**

**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-4.1**

**Item 1-25.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 7-40020

**Item 1-25.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO<sub>2</sub> budget units at a source are subject to the SO<sub>2</sub> budget emissions limitation, the SO<sub>2</sub> authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

The SO<sub>2</sub> authorized account representative shall include in the compliance certification the following elements, in a format prescribed by the department, concerning each unit at the source and subject to the SO<sub>2</sub> budget emissions limitation for the control period covered by the report:

- (1) identification of each SO<sub>2</sub> budget unit;
- (2) except in instances when the SO<sub>2</sub> budget unit seeks to use future control period SO<sub>2</sub> allowances which may be deducted pursuant to NYCRR 238-6.5(f), at the SO<sub>2</sub> authorized account representative's option, the serial numbers of the SO<sub>2</sub> allowances that are to be deducted from each unit's compliance account under NYCRR 238-6.5 for the control period;
- (3) at the SO<sub>2</sub> authorized account representative's option, for units sharing a common stack and having SO<sub>2</sub> emissions that are not monitored separately or apportioned in accordance with NYCRR 238-8, the percentage of SO<sub>2</sub> allowances that is to be deducted from each unit's compliance account under NYCRR 238-6.5(e);
- (4) for units using future control period allowances for

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compliance purposes pursuant to NYCRR 238-6.5(f), the statement of intent and report required under NYCRR 238-6.5(f)(2); and

(5) the compliance certification under NYCRR 238-4.1(c).

In the compliance certification report, the SO<sub>2</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the SO<sub>2</sub> budget units at the source in compliance with the ADR SO<sub>2</sub> Budget Trading Program, whether each SO<sub>2</sub> 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 ADR SO<sub>2</sub> Budget Trading Program applicable to the unit, including:

(a) whether the unit was operated in compliance with the SO<sub>2</sub> budget emissions limitation;

(b) 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 SO<sub>2</sub> emissions to the unit, in accordance with Subpart 238-8;

(c) whether all the SO<sub>2</sub> emissions from the unit, or a group of units (including the unit) using a 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 238-8. 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 have been made;

(d) whether the facts that form the basis for certification under Subpart 238-8 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 238-8, if any, has changed; and

(e) if a change is required to be reported under (4) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's



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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.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-26: Submission of SO<sub>2</sub> allowance transfers**  
**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-7.1**

**Item 1-26.1:**

This Condition applies to Emission Unit: 7-40020

**Item 1-26.2:**

**The SO<sub>2</sub> authorized account representatives seeking recordation of an SO<sub>2</sub> allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO<sub>2</sub> allowance transfer shall include the following elements in a format specified by the department or its agent:**

- (a) the numbers identifying both the transferor and transferee accounts;**
- (b) a specification by serial number of each SO<sub>2</sub> allowance to be transferred; and**
- (c) the printed name and signature of the SO<sub>2</sub> authorized account representative of the transferor account and the date signed.**

**Condition 1-27: Compliance Demonstration**

**Effective between the dates of 04/27/2004 and 08/15/2006**

**Applicable State Requirement: 6NYCRR 238-8**

**Item 1-27.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 7-40020

**Item 1-27.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators, and to the extent applicable, the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget unit, shall comply with the monitoring and reporting

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requirements as provided for in all applicable sections of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 238-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "SO2 budget unit," and "SO2 authorized account representative," respectively, as defined in NYCRR 238-1.2.

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION