



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 2-6206-01405/00001  
Mod 0 Effective Date: 07/10/2001 Expiration Date: No expiration date.  
Mod 1 Effective Date: 03/23/2004 Expiration Date: No expiration date.

Permit Issued To: 375 PEARL ASSOCIATES LLC  
375 PEARL ST  
NEW YORK, NY 10038

Contact: JOHN QUATRALE  
VERIZON NEW YORK CORPORATION  
199 FULTON AVE RM 409  
HEMPSTEAD, NY 11550  
(516) 292-8166

Facility: 375 PEARL STREET CONDOMINIUM  
375 PEARL ST  
NEW YORK, NY 10038

**Description:**

The permit modification is initiated in order to change:

- the reporting schedule to the annual (calendar) basis.
- the # of emission points from 4 (four) to 2 (two) - one stack for turbines TUR01 and TUR02, and one stack for turbines TUR03 and TUR04. The identifiers for the emission units, emission points, processes and sources have been changed in order to complete this revision.
- to remove designation "as back-up" for the emission source TUR04.

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

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

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



**Notification of Other State Permittee Obligations**

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

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
  - Applications for Permit Renewals 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 \*\*\*\***  
**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: 6 NYCRR 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, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

GENERAL CONDITIONS FOR PERMITS FOR THE CONSTRUCTION AND OPERATION OF FACILITIES



**Applicable State Requirement:** 6 NYCRR 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:** 6 NYCRR 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:** 6 NYCRR 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: 6 NYCRR 621.5 (a)**

**Item 5.1:**

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

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

**New York State Department of Environmental Conservation**

Permit ID: 2-6206-01405/00001

Facility DEC ID: 2620601405



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: 375 PEARL ASSOCIATES LLC  
375 PEARL ST  
NEW YORK, NY 10038

Facility: 375 PEARL STREET CONDOMINIUM  
375 PEARL ST  
NEW YORK, NY 10038

Authorized Activity By Standard Industrial Classification Code:  
4813 - TELEPHONE COMMUNICATIONS, EXCEPT RADIO

Mod 0 Permit Effective Date: 07/10/2001  
date.

Permit Expiration Date: No expiration

Mod 1 Permit Effective Date: 03/23/2004  
date.

Permit Expiration Date: No expiration



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 12 6 NYCRR 201-7.2 (c): Facility Permissible Emissions
- \*1-1 6 NYCRR 201-7.2 (c): Compliance Demonstration
- 1-2 6 NYCRR 201-7.2 (e): Compliance Demonstration
- 16 6 NYCRR 211.3: Compliance Demonstration
- 17 6 NYCRR 211.3: Compliance Demonstration
- 1-3 6 NYCRR 225-1.8 (a): Compliance Demonstration
- 1-4 6 NYCRR 225.1 (a) (3): Compliance Demonstration
- 1-5 6 NYCRR 227-1.3 (a): Compliance Demonstration
- 1-6 40CFR 60.334(c)(2), NSPS Subpart GG: Compliance Demonstration

#### Emission Unit Level

#### EU=U-TURB2,Proc=002,ES=TUR04

- 1-7 40CFR 60.332(e), NSPS Subpart GG: Exemption from NOx standard.

#### EU=U-TURB2,EP=EP002,Proc=002,ES=TUR04

- 1-8 40CFR 60.333, NSPS Subpart GG: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1-9 ECL 19-0301: Contaminant List
- 1-10 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 30 6 NYCRR Subpart 201-5: Emission Unit Definition
- 32 6 NYCRR 211.2: Air pollution prohibited

#### Emission Unit Level

- 33 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 34 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 200.7**

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



required to operate such device effectively.

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

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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 - 6 NYCRR 201-1.5**

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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



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

**Item F: Recycling and Salvage - 6 NYCRR 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 - 6 NYCRR 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: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 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 requirements, regulations, or law.

**Item I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 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 J: Required Emission Tests - 6 NYCRR 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 6 NYCRR Subpart 202-1.

**Item K: Visible Emissions Limited - 6 NYCRR 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 L: 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 M: 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 N: Federally Enforceable Requirements - 40 CFR 70.6 (b)**

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



requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
The following conditions are federally enforceable.

**Condition 12: Facility Permissible Emissions**  
Effective between the dates of 07/10/2001 and Permit Expiration Date

**Applicable Federal Requirement:6 NYCRR 201-7.2 (c)**

**Item 12.1:**

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

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

CAS No: 0NY210-00-0 (From Mod 1) PTE: 45,000 pounds  
per year

Name: OXIDES OF NITROGEN

**Condition 1-1: Compliance Demonstration**  
Effective between the dates of 03/23/2004 and Permit Expiration Date

**Applicable Federal Requirement:6 NYCRR 201-7.2 (c)**

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

Facility-wide oxides of nitrogen emissions are capped at  
22.5 tons/year.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-2: Compliance Demonstration**



**Effective between the dates of 03/23/2004 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 201-7.2 (e)**

**Item 1-2.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

On an annual basis beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with an applicable requirement.

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2005.

Subsequent reports are due every 12 calendar month(s).

**Condition 16: Compliance Demonstration**

**Effective between the dates of 07/10/2001 and Permit Expiration Date**

**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR, 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.

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



required to perform the following:

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

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

- weather condition
- was a plume observed?

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

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

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

Parameter Monitored: OPACITY

Upper Permit Limit: 57 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ONE CONTINUOUS 6-MINUTE PERIOD PER HOUR

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 07/10/2001 and Permit Expiration Date**



**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 17.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Except as permitted by a specific part of Title 6 of the NYCRR, 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.

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

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

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

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



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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-3: Compliance Demonstration**  
**Effective between the dates of 03/23/2004 and Permit Expiration Date**

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

**Item 1-3.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-3.2:**

Compliance Demonstration 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 submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-4: Compliance Demonstration**  
**Effective between the dates of 03/23/2004 and Permit Expiration Date**

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

**Item 1-4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**New York State Department of Environmental Conservation**

Permit ID: 2-6206-01405/00001

Facility DEC ID: 2620601405



**Item 1-4.2:**

Compliance Demonstration 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 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: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-5: Compliance Demonstration**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

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

**Item 1-5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-5.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 1-6: Compliance Demonstration**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.334(c)(2), NSPS Subpart GG**

**Item 1-6.1:**

New York State Department of Environmental Conservation

Permit ID: 2-6206-01405/00001

Facility DEC ID: 2620601405



The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 1-6.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

For the purposes of the excess emissions and monitoring system performance report required by 40CFR60.7(c), any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent shall be reported as a period of excess emissions.

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 0.8 percent by weight

Monitoring Frequency: DAILY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 1-7: Exemption from NOx standard.**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.332(e), NSPS Subpart GG**

**Item 1-7.1:**

This Condition applies to Emission Unit: U-TURB2

Process: 002

Emission Source: TUR04

**Item 1-7.2:**

Gas turbines with heat rates  $\geq 10$  mmBtu/hr and  $\leq 100$  mmBtu/hr based on LHV, which commenced construction prior to 10/03/82 are exempt from section 332.2(a) of this Part.

**Condition 1-8: Compliance Demonstration**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

**Applicable Federal Requirement:40CFR 60.333, NSPS Subpart GG**

**Item 1-8.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-TURB2

Emission Point: EP002

Process: 002

Emission Source: TUR04

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**Item 1-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

AS PER 40 CFR 60 SUBPART GG SULFUR  
CONTENT OF THE DISTILLATE FUEL BURNED IN  
TURBINE TUR04 SHALL NOT EXCEED 0.8% BY  
WEIGHT, BUT 6NYCRR PART 225 HAS MORE  
STRINGENT LIMIT OF 0.2% BY WEIGHT.  
FACILITY MUST COMPLY WITH 0.2% BY WEIGHT  
LIMIT.

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE -  
SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



**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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

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

**Item B: 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.**



**Condition 1-9: Contaminant List**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

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

**Item 1-9.1:**

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 1-10: Unavoidable noncompliance and violations**

**Effective between the dates of 03/23/2004 and Permit Expiration Date**

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

**Item 1-10.1:**

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

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

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



above.

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

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

(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 30: Emission Unit Definition**  
**Effective between the dates of 07/10/2001 and Permit Expiration Date**

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

**Item 30.1(From Mod 1):**

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

Emission Unit: U-TURB1

Emission Unit Description:

2 KEROSENE-FIRED SOLAR TURBINE GENERATOR SETS (MODEL: GE1-CB-1D) RATED AT MAXIMUM POWER OUTPUT OF 2800 KW EACH. TURBINES WILL BE USED FOR LIMITED ON-SITE POWER GENERATION.

**Item 30.2(From Mod 1):**

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

Emission Unit: U-TURB2

Emission Unit Description:

2 KEROSENE-FIRED SOLAR TURBINE GENERATOR SETS (MODEL: GE1-CB-1D) RATED AT MAXIMUM POWER OUTPUT OF 2800 KW EACH. TURBINES WILL BE USED FOR LIMITED ON-SITE POWER GENERATION.

**Condition 32: Air pollution prohibited**  
**Effective between the dates of 07/10/2001 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 32.1:**

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

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property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

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

**Condition 33: Emission Point Definition By Emission Unit**  
Effective between the dates of 07/10/2001 and Permit Expiration Date

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

**Item 33.1(From Mod 1):**

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

Emission Unit: U-TURB1

Emission Point: EP001

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Item 33.2(From Mod 1):**

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

Emission Unit: U-TURB2

Emission Point: EP002

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Item 33.3(From Mod 0):**

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

Emission Unit: 1-TURB1

Emission Point: 00001

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Item 33.4(From Mod 0):**

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

Emission Unit: 2-TURB2

Emission Point: 00002

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Item 33.5(From Mod 0):**

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

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Emission Unit: 3-TURB3

Emission Point: 00003

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Item 33.6(From Mod 0):**

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

Emission Unit: 4-TURB4

Emission Point: 00004

Height (ft.): 585

Diameter (in.): 40

Building: 1

**Condition 34: Process Definition By Emission Unit**  
**Effective between the dates of 07/10/2001 and Permit Expiration Date**

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

**Item 34.1(From Mod 1):**

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

Emission Unit: U-TURB1

Process: 001

Source Classification Code: 2-01-001-01

Process Description:

2 KEROSENE-FIRED SOLAR TURBINE GENERATOR  
SETS RATED AT MAXIMUM POWER OUTPUT OF 2800  
KW EACH.

Emission Source/Control: TUR01 - Combustion

Design Capacity: 2,800 kilowatts

Emission Source/Control: TUR02 - Combustion

Design Capacity: 2,800 kilowatts

**Item 34.2(From Mod 1):**

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

Emission Unit: U-TURB2

Process: 002

Source Classification Code: 2-01-001-01

Process Description:

2 KEROSENE-FIRED SOLAR TURBINE GENERATOR  
SETS RATED AT MAXIMUM POWER OUTPUT OF 2800  
KW EACH.

Emission Source/Control: TUR03 - Combustion

Design Capacity: 2,800 kilowatts

Emission Source/Control: TUR04 - Combustion

Design Capacity: 2,800 kilowatts



