

New York State Department of Environmental Conservation
Facility DEC ID: 2630100658



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 2-6301-00658/00001
Effective Date: 02/25/2003 Expiration Date: 02/25/2008

Permit Issued To: BERRIANS 1 GAS TURBINE POWER LLC
31-01 20TH AVENUE
LONG ISLAND CITY, NY 11105

Contact: MARC DWORKIN
4401 VICTORY BLVD
STATEN ISLAND, NY 10314
(718) 390-2724

Facility: BERRIANS 1 GAS TURBINE POWER
31-01 20TH AVENUE
ASTORIA, NY 11105

Contact: ALLAN FILLIPI
NRG ARTHUR KILL GENERATION INC
4401 VICTORY BLVD
STATEN ISLAND, NY 10314
(718) 390-2734

Description:
NATURE OF BUSINESS AT THE FACILITY:

Electric power generation.

4911 (primary SIC) - Electrical and Other Services Combined

TYPE OF EQUIPMENT AND OPERATION AT THE FACILITY:

This facility consists of one General Electric PG7121 (EA) gas turbine. The gas turbine shall fire natural gas and distillate oil and operate as a simple cycle unit, employing a dry low NOx combustion technology to control NOx during natural gas firing and steam injection system for control of NOx emissions during distillate oil firing. This permit does not permit the operation of a major electric generating facility. The pound per hour emission limits for this facility are based upon a worst case scenario ambient air temperature of minus five degrees Fahrenheit. These limits are also based upon a concentration of 9 parts per million of NOx during natural gas firing and 42 parts per million while oil firing.

AIR PERMIT APPLICABILITY:

FINAL



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Air state facility permit for a new facility (preconstruction permit).

CAPPING/NON-APPLICABLE RULES:

The facility shall accept permit limitations which shall keep the new emission unit below the applicability threshold for 6 NYCRR 231-2 and 40 CFR 52.21.

CONSENT ORDERS OR COMPLIANCE PLANS:

None.

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

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

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Relationship of this Permit to Other Department Orders and Determinations

Facility Inspection by the Department

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



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

Condition 1: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 1.1:

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

Item 2.1:

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 2.2:

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 2.3:

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 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 3.1:

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

Item 3.2:

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

Item 3.3:

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



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transfer of ownership.

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

Item 4.1:

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

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

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

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

Item 5.1:

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

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

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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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31-01 20TH AVENUE
LONG ISLAND CITY, NY 11105

Facility: BERRIANS 1 GAS TURBINE POWER
31-01 20TH AVENUE
ASTORIA, NY 11105

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

Permit Effective Date: 02/25/2003

Permit Expiration Date: 02/25/2008



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 201-6.5(g): Non Applicable requirements
- 2 6NYCRR 204-1.6: Permit requirements (facilities commencing operation on or after 01/00)
- 3 6NYCRR 204-1.6: Permit requirements.
- 4 6NYCRR 204-2.1: Submissions to the Department.
- 5 6NYCRR 204-4.1: Contents of reports and compliance certifications.
- 6 6NYCRR 204-4.1: Discretionary report contents.
- 7 6NYCRR 204-4.1: Compliance Demonstration
- 8 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 9 6NYCRR 204-8.1: General provisions.
- 10 6NYCRR 204-8.1: Prohibitions.
- 11 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 12 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 13 6NYCRR 204-8.2: Compliance Demonstration
- 14 6NYCRR 204-8.3: Out of control periods.
- 15 6NYCRR 204-8.4: Compliance Demonstration
- 16 6NYCRR 204-8.7: Compliance Demonstration
- 17 6NYCRR 231-2: Facility Permissible Emissions
- 18 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 19 40CFR 60.7(a), NSPS Subpart A: Date of construction notification - If a COM is not used.
- 20 40CFR 60.7(a), NSPS Subpart A: Date of construction notification.
- 21 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 22 40CFR 60.7(c), NSPS Subpart A: Excess emissions report.
- 23 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
- 24 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 25 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 26 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 27 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 28 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 29 40CFR 60.8(e), NSPS Subpart A: Performance testing facilities.
- 30 40CFR 60.8(f), NSPS Subpart A: Number of required tests.
- 31 40CFR 60.9, NSPS Subpart A: Availability of information.
- 32 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 33 40CFR 60.12, NSPS Subpart A: Circumvention.
- 34 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 35 40CFR 60.14, NSPS Subpart A: Modifications.
- 36 40CFR 60.15, NSPS Subpart A: Reconstruction
- 37 40CFR 72: Facility Subject to Title IV Acid Rain Regulations and Permitting

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Emission Unit Level

38 6NYCRR 231-2: Process Permissible Emissions

EU=A-000B5

39 40CFR 60.334(a), NSPS Subpart GG: Compliance Demonstration

40 40CFR 60.334(b), NSPS Subpart GG: Custom fuel monitoring for nitrogen and sulfur content.

EU=A-000B5,EP=EP001

41 6NYCRR 227-1.3(a): Compliance Demonstration

*42 6NYCRR 231-2: Compliance Demonstration

*43 6NYCRR 231-2: Compliance Demonstration

*44 6NYCRR 231-2: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

45 ECL 19-0301: Contaminant List

46 6NYCRR 201-1.4: Unavoidable noncompliance and violations

47 6NYCRR 201-5: Emission Unit Definition

48 6NYCRR 201-5: Compliance Demonstration

49 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

50 6NYCRR 201-5: Emission Point Definition By Emission Unit

51 6NYCRR 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 - 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



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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: 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 requirements, regulations, or law.

Item I: 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



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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 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 K: 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 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



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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 1: Non Applicable requirements
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 201-6.5(g)

Item 1.1:

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

6NYCRR 227-2

Reason: The facility has accepted a cap of 22.5 tons per year of oxides of nitrogen which permits their potential emissions below the applicability threshold for this regulation.

Condition 2: Permit requirements (facilities commencing operation on or after 01/00)
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-1.6



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Item 2.1: The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NOx Budget unit commences operation.

Condition 3: Permit requirements.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 3.1: The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NOx Budget unit commences operation.

Condition 4: Submissions to the Department.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-2.1

Item 4.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NOx authorized account representative.

Condition 5: Contents of reports and compliance certifications.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 5.1: The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

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



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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 6: Discretionary report contents.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 6.1: At the NOx authorized account representative's option the following may be included in the compliance certification report:

(1) The serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under Section 204-6.5 for the control period; and

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

Condition 7: Compliance Demonstration

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 7.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 7.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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



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Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 8: Submission of NO_x allowance transfers.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-7.1

Item 8.1: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

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

Condition 9: General provisions.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 9.1: The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NO_x Budget unit," "NO_x authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

Condition 10: Prohibitions.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 10.1: No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;
- (3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this



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Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and
(4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:

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

Condition 11: Requirements for installation, certification, and data accounting.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 11.1: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

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

Condition 12: Requirements for recertification of monitoring systems.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 12.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor

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polynomial coefficients.

Condition 13: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NOx Budget unit under 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 14: Out of control periods.
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 14.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 15: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 15.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 15.2:

Compliance Demonstration shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

The address for the USEPA Administrator is as follows:

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



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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 16: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 16.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 16.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2003.

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

Condition 17: Facility Permissible Emissions
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 231-2

Item 17.1:

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:



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CAS No: 0NY210-00-0

PTE: 45,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 18: EPA Region 2 address.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A

Item 18.1:

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

Director, Division of Enforcement and Compliance Assistance
USEPA Region 2
290 Broadway, 21st Floor
New York, NY 10007-1886

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

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

Condition 19: Date of construction notification - If a COM is not used.

Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 19.1:

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

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and



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proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

Condition 20: Date of construction notification.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 20.1:

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

1) a notification of the date construction or reconstruction commenced, postmarked no later than 30 days after such date;

3) a notification of the actual date of initial start up, postmarked within 15 days after such date;

4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under 40 CFR 60. The notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, postmarked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting the opacity observations, postmarked not less than 30 days prior to such date; and

7) a notification that continuous opacity monitoring system data results will be used to determine compliance with the applicable opacity standard during the performance test, postmarked not less than 30 days prior to the performance test.

Condition 21: Recordkeeping requirements.
Effective between the dates of 02/25/2003 and 02/25/2008

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



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Item 21.1:

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

Condition 22: Excess emissions report.

Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 22.1:

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

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

Condition 23: Excess emissions report.

Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 23.1:

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

Condition 24: Facility files for subject sources.

Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 24.1:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring device calibration checks;



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adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspections. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 25: Performance testing timeline.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 25.1:

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

Condition 26: Performance test methods.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 26.1:

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

Condition 27: Required performance test information.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 27.1:

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

Condition 28: Prior notice.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 28.1:

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

Condition 29: Performance testing facilities.
Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 29.1:



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

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

Condition 30: Number of required tests.

Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 30.1:

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

Condition 31: Availability of information.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.9, NSPS Subpart A

Item 31.1:

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

Condition 32: Opacity standard compliance testing.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 32.1:

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

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

Condition 33: Circumvention.



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Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 33.1:

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

Condition 34: Monitoring requirements.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.13, NSPS Subpart A

Item 34.1:

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

Condition 35: Modifications.

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.14, NSPS Subpart A

Item 35.1:

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

Condition 36: Reconstruction

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 40CFR 60.15, NSPS Subpart A

Item 36.1:

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

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



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equipment;

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

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

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

**Condition 37: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 02/25/2003 and 02/25/2008**

Applicable Federal Requirement: 40CFR 72

Item 37.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.

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

**Condition 38: Process Permissible Emissions
Effective between the dates of 02/25/2003 and 02/25/2008**

Applicable Federal Requirement: 6NYCRR 231-2

Item 38.1:

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

Emission Unit: A-000B5 Process: GED

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 199 pounds per hour
45,000 pounds per year

Emission Unit: A-000B5 Process: GEN

CAS No: 0NY210-00-0
Name: OXIDES OF NITROGEN
PTE(s): 38 pounds per hour
45,000 pounds per year

Condition 39: Compliance Demonstration



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Effective between the dates of 02/25/2003 and 02/25/2008

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

Item 39.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: A-000B5

Item 39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of any stationary gas turbine subject to the provisions of 40CFR60 Subpart GG that is using water injection to control NOx emissions shall install and operate a continuous monitoring system to monitor and record fuel consumption and the ratio of water to fuel fired in the turbine. This system shall be accurate to within +/- 5.0 percent and shall be approved by the Administrator.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2003.

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

**Condition 40: Custom fuel monitoring for nitrogen and sulfur content.
Effective between the dates of 02/25/2003 and 02/25/2008**

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

Item 40.1:

This Condition applies to Emission Unit: A-000B5

Item 40.2:

The owner or operator of any stationary gas turbine subject to the provisions of this subpart shall monitor sulfur content and nitrogen content of the fuel being fired in the turbine. Owners, operators, or fuel vendors may develop custom schedules for determination of the values based on the design and operation of the affected facility and the characteristics of the fuel supply. These custom schedules shall be substantiated with data and must be approved by the Administrator before they can be used to comply with the requirements of this Section.

Condition 41: Compliance Demonstration

Effective between the dates of 02/25/2003 and 02/25/2008



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

Item 41.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: A-000B5 Emission Point: EP001

Item 41.2:

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

Reference Test Method: Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2003.

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

Condition 42: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 231-2

Item 42.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: A-000B5 Emission Point: EP001

Regulated Contaminant(s):

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

Item 42.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes



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Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Oxides of nitrogen limit while firing natural gas. The owner or operator shall continuously monitor the emissions of oxides of nitrogen. All records shall be maintained at the facility for a minimum of five years. The limits shall apply at all loads of operation except during periods of start-up and shutdown. The facility shall maintain a log of the duration of each start-up and shut down, the total pounds of emissions of oxides of nitrogen per start-up and shut down, and the pound per hour emission rate during start-up and shut down periods. These records shall be submitted to the Department in conjunction with the quarterly excess emission report. The facility is required to submit a complete Title V application to the Department within one year of achieving commercial operation. The facility shall include proposed start-up and shut down limitations in their Title V application submission based upon the data collected during this year. Upon issuance, these limitations shall become enforceable conditions, in the Title V permit.

Manufacturer Name/Model Number: NO_x CEM

Upper Permit Limit: 38 pounds per hour

Reference Test Method: 40 CFR 60 Appendix B

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2003.

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

Condition 43: Compliance Demonstration

Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 231-2

Item 43.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: A-000B5 Emission Point: EP001

Regulated Contaminant(s):

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

Item 43.2:

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Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Oxides of nitrogen limit while firing distillate oil.

The owner or operator shall continuously monitor the emissions of oxides of nitrogen. All records shall be maintained at the facility for a minimum of five years. The limits shall apply at all loads of operation except during periods of start-up and shutdown. The facility shall maintain a log of the duration of each start-up and shut down, the total pounds of emissions of oxides of nitrogen per start-up and shut down, and the pound per hour emission rate during start-up and shut down periods. These records shall be submitted to the Department in conjunction with the quarterly excess emission report. The facility is required to submit a complete Title V application to the Department within one year of achieving commercial operation. The facility shall include proposed start-up and shut down limitations in their Title V application submission based upon the data collected during this year. Upon issuance, these limitations shall become enforceable conditions, in the Title V permit.

Manufacturer Name/Model Number: NOx CEM

Upper Permit Limit: 199 pounds per hour

Reference Test Method: 40 CFR 60 Appendix B

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2003.

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

Condition 44: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable Federal Requirement: 6NYCRR 231-2

Item 44.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: A-000B5 Emission Point: EP001

Regulated Contaminant(s):



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

Item 44.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator of the facility shall install, calibrate, maintain, and operate a continuous emissions monitor for oxides of nitrogen. Compliance with this limit shall be based upon an annual maximum rolled daily.

All required records shall be kept at the facility for a minimum of five years.

Manufacturer Name/Model Number: NOx CEM

Upper Permit Limit: 22.5 tons per year

Reference Test Method: Part 60 Appendix B

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2003.

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



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 - 6NYCRR Part 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 45: Contaminant List
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: ECL 19-0301

Item 45.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 46: Unavoidable noncompliance and violations
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 201-1.4

Item 46.1:

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



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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 47: Emission Unit Definition
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 201-5

Item 47.1:

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

Emission Unit: A-000B5

Emission Unit Description:

THIS EMISSION UNIT CONTAINS ONE TURBINE GENERATOR SET. THE TURBINE WILL BE CAPABLE OF FIRING NATURAL GAS AND DISTILLATE FUEL OIL.

Condition 48: Compliance Demonstration
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 201-5

Item 48.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 48.2:

Compliance Demonstration shall include the following monitoring:



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Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Limitation for the sulfur content of the fuel. The owner or operator of the facility shall maintain the sulfur-in-fuel records on site, for a minimum of five years.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.04 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2003.

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

Condition 49: Air pollution prohibited
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 211.2

Item 49.1:

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

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

Condition 50: Emission Point Definition By Emission Unit
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 201-5

Item 50.1:

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

Emission Unit: A-000B5



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Emission Point: EP001

Height (ft.): 151

Diameter (in.): 177

NYTMN (km.): 4515.6

NYTME (km.): 592.3

Condition 51: Process Definition By Emission Unit
Effective between the dates of 02/25/2003 and 02/25/2008

Applicable State Requirement: 6NYCRR 201-5

Item 51.1:

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

Emission Unit: A-000B5

Process: GED

Source Classification Code: 2-01-001-01

Process Description:

THIS PROCESS INCLUDES THE COMBUSTION OF DISTILLATE (KEROSENE) OIL IN TURBINE UNIT1. DRY LOW NOX BURNERS AND WATER INJECTION ARE USED TO CONTROL NOX EMISSIONS. NOX EMISSIONS WILL BE MONITORED TO ENSURE THAT THE 22.5 TON/YR CAP IS NOT EXCEEDED.

Emission Source/Control: UNIT1 - Combustion

Design Capacity: 894 million Btu per hour

Item 51.2:

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

Emission Unit: A-000B5

Process: GEN

Source Classification Code: 2-01-001-01

Process Description:

THIS PROCESS INCLUDES THE COMBUSTION OF NATURAL GAS IN TURBINE UNIT1. DRY LOW NOX BURNERS ARE USED TO CONTROL NOX EMISSIONS. NOX EMISSIONS WILL BE MONITORED TO ENSURE THAT THE 22.5 TONS/YR CAP IS NOT EXCEEDED.

Emission Source/Control: UNIT1 - Combustion

Design Capacity: 894 million Btu per hour