**New York State Department of Environmental Conservation**
**Facility DEC ID: 2630700242**

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility
Permit ID: 2-6307-00242/00006
Effective Date: 07/09/2002 Expiration Date: 06/04/2007

Permit Issued To: NYS OFFICE OF MENTAL HEALTH
44 HOLLAND AVE
ALBANY, NY 12229

Contact: A SCOTT BARD
NYS OFFICE OF MENTAL HEALTH - CDPC
75 NEW SCOTLAND AVE
ALBANY, NY 12208
(518) 473-5823

Facility: CREEDMOOR PSYCHIATRIC CTR
80-45 WINCHESTER BLVD
QUEENS VILLAGE, NY 11427

Contact: A SCOTT BARD
NYS OFFICE OF MENTAL HEALTH - CDPC
75 NEW SCOTLAND AVE
ALBANY, NY 12208
(518) 473-5823

Description:
Renewal Title V general permit for small combustion installations.

Creedmoor Psychiatric Center is a state owned hospital serving the Borough of Queens, NY. This facility consists of the Building 76 Boiler Plant with three(3) stacks and three boilers. All boilers are dual-fuel, firing either No. 6 low-sulfur oil or natural gas. The boilers have rated capacity of 37.75 mmBtu/hr each. The boilers provide steam and hot water for space heating. Two additional boilers formerly in use at this facility have been permanently decommissioned.

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2630700242**

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
625 BROADWAY
ALBANY, NY 12233

Authorized Signature: _____ Date: ___ / ___ / _____

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2630700242**

## Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

**New York State Department of Environmental Conservation**
**Facility DEC ID: 2630700242**

**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
20Permit Modifications, Suspensions and Revocations by the Department
**Facility Level**
Submission of Applications for Permit Modification or Renewal-REGION 2 HEADQUARTERS

**DEC GENERAL CONDITIONS**
****** General Provisions ******
**For the purpose of your Title V permit, the following section contains state-only enforcable terms and conditions**
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

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

**Item 1.1:**
The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**
The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**
A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

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

**Item 2.1:**
Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 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 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

**New York State Department of Environmental Conservation**
**Permit ID: 2-6307-00242/00006 Facility DEC ID: 2630700242**

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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: NYS OFFICE OF MENTAL HEALTH
44 HOLLAND AVE
ALBANY, NY 12229

Contact: A SCOTT BARD
NYS OFFICE OF MENTAL HEALTH - CDPC
75 NEW SCOTLAND AVE
ALBANY, NY 12208
(518) 473-5823

Facility: CREEDMOOR PSYCHIATRIC CTR
80-45 WINCHESTER BLVD
QUEENS VILLAGE, NY 11427

Contact: A SCOTT BARD
NYS OFFICE OF MENTAL HEALTH - CDPC
75 NEW SCOTLAND AVE
ALBANY, NY 12208
(518) 473-5823

Authorized Activity:
Operation Under Air Title V Facility General Permit
SMALL COMBUSTION INSTALLATION

**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

1 Emission Unit Definition
2 Recordkeeping and reporting of compliance monitoring
3 Monitoring, Related Recordkeeping, and Reporting Requirements.
4 Compliance Certification
5 Compliance Certification
6 Notification
7 Acceptable procedures
8 Acceptable procedures - Stack test report submittal
9 Alternate test methods
10 Compliance Certification
11 Recordkeeping requirements
12 Compliance Certification
13 Compliance Certification
14 Corrective action.
15 Corrective action.
16 Corrective action.
17 Corrective action.
18 Accidental release provisions.
19 Recycling and Emissions Reduction

**Emission Unit Level**

20 Emission Point Definition By Emission Unit
21 Process Definition By Emission Unit
22 Compliance Certification (EU=U-00001)
23 Compliance Certification (EU=U-00001)
24 Compliance Certification (EU=U-00001)
25 Compliance Certification (EU=U-00001)

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

26 Contaminant List
27 Unavoidable noncompliance and violations
28 Air pollution prohibited

By Standard Industrial Classification Code:
8063 - PSYCHIATRIC HOSPITALS

Permit Effective Date: 07/09/2002 Permit Expiration Date: 06/04/2007

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

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

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

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

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

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

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

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

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

Any person who owns or operates an air contamination

source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

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

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

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

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

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

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

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

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

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G:** **Prohibition of Reintroduction of Collected Contaminants tothe Air - 6NYCRR Part 201-1.8**
No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item H:** **Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)**
The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item I:** **Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**
The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify
0 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:** **Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**
The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item K:** **Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Item L:** **Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statementsand information in the document are true, accurate, and complete.

**Item M:** **Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

**Item N:** **Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

**Requirements - 6 NYCRR Part 201-6.5(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item O:** **Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**
The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P:** **Cessation or Reduction of Permitted Activity Not a Defense - 6NYCRR Part 201-6.5(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the

Act;

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

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

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

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

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

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

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

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

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

a shorter time period in the case of an emergency.

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

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

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**
Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Item AA: Open Fires - 6 NYCRR Part 215**
No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**Item BB: Permit Exclusion - ECL 19-0305**
The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

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

**Condition 1: Emission Unit Definition**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 1.1:**
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: U-00001
Emission Unit Description:
This emission unit consists of the Building 76 Boiler Plant with three(3) stacks and three boilers. All boilers are dual-fuel firing either No. 6 low-sulfur oil or natural gas. The boilers have rated capacity of 37.75 mmBtu/hr each, when firing natural gas and residual oil. The boilers provide steam and hot water for space heating. Two additional boilers formerly in use at this facility have been permanently decommissioned.
There are three stacks (Emission Points EP-00011,EP-00021 & EP-00031) in this facility.
First Stack, Emission point EP-00011 serves commonly for two boilers ( Emission Source 211 & 311) . Second Stack, EP-00021 serves for the third boiler (Emission Source 621 ) . This was also served for the boilers decommissioned . Third stack EP-00031 is no longer in use but it is the emission point of a passive heat recovery system that diverted a portion of the boiler exhaust and captured the waste heat for use in an onsite laundry facility. This is connected to all boilers through breaching.

Building(s): 76

**Condition 2: Recordkeeping and reporting of compliance monitoring**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 2.1:**
The following information must be included in any required compliance monitoring records and reports:

(i) The date, place, and time of sampling or measurements;

(ii) The date(s) analyses were performed;

(iii)The company or entity that performed the analyses;

(iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;

(v) The results of such analyses including quality assurance data where required; and

(vi) The operating conditions as existing at the time of sampling or measurement.

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

**Condition 3: Monitoring, Related Recordkeeping, and Reporting Requirements.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 3.1:**
Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

**Condition 4: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 4.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 4.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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

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

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

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

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

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

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

requirement shall apply.

0 If any of the above conditions are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) through (4) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraph (1) through (4) of this section must also be identified in the 6 month monitoring report required above.

If the permittee seeks to have a violation excused as provided in 201-1.4, the permittee shall report such violations as required under 201-1.4(b). However, in no case may reports of any deviation be on a less frequent basis than those described in paragraphs (1) though (4) above. 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.

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

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

All semiannual reports shall be submitted to the

Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.5(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/02.
Subsequent reports are due every 6 calendar month(s).

**Condition 5: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 5.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

i. Compliance certifications shall contain:
- the identification of each term or condition of the permit that is the basis of the certification;
- the compliance status;
- whether compliance was continuous or intermittent;
- the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
- such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

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

The address for the RAPCE is as follows:

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

The address for the BCME is as follows:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/03.
Subsequent reports are due on the same day each year

**Condition 6: Notification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 202-1.2**

**Item 6.1:**
A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

**Condition 7: Acceptable procedures**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 7.1:**
Emission testing, sampling, and analytical deteminations to ascertain compliance with this Subpart shall be conducted in accordance with test methods acceptable to the commissioner.

**Condition 8: Acceptable procedures - Stack test report submittal**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 8.1:**
Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

**Condition 9: Alternate test methods**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 202-1.3**

**Item 9.1:**
Alternate emission test methods or deviations from acceptable test methods may be utilized if it is impractical to utilize the acceptable test methods or where no applicable test method is available, if prior acceptance of the proposed alternate method is granted by the commissioner.

**Condition 10: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 10.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 10.2:**
Compliance Certification shall include the following monitoring:

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

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

**Condition 11: Recordkeeping requirements**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 11.1:**
(a) The following records shall be maintained for at least five years:

(1) a copy of each emission statement submitted to the department; and

(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

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

**Condition 12: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

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

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

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS
Monitoring Description:

No person will sell, offer for sale, purchase or use any residual oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.30 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/02.
Subsequent reports are due every 6 calendar month(s).

**Condition 13: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 13.1:**
The Compliance Certification activity will be performed for the Facility.

**Item 13.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
An owner or operator of a facility which purchases and fires coal and/or oil shall submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/02.
Subsequent reports are due every 6 calendar month(s).

**Condition 14: Corrective action.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227-1.6(a)**

**Item 14.1:**
Any facility found in violation of the provisions of this Part shall not cause, permit, or allow the operation of the affected stationary combustion installation unless:

(1) it is equipped with approved emission control equipment;

(2) it is rehabilitated or upgraded in an approved manner; or

(3) the fuel is changed to an acceptable type.

**Condition 15: Corrective action.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227-1.6(b)**

**Item 15.1:**
The commissioner may seal the affected stationary combustion installation that does not comply with the provisions in subdivision 6 NYCRR 227-1.6(a) within the time provided.

**Condition 16: Corrective action.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227-1.6(c)**

**Item 16.1:**
No person shall cause, permit, or allow the operation of any affected stationary combustion installation sealed by the commissioner in accordance with this section.

**Condition 17: Corrective action.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227-1.6(d)**

**Item 17.1:**
No person except the commissioner or his representative shall remove, tamper with, or destroy any seal affixed to any affected stationary combustion installation.

**Condition 18: Accidental release provisions.**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 40CFR 68.**

**Item 18.1:**
If a chemical is listed in Table 1 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Table 1, the following requirements will apply:

a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;

b) The owner or operator shall submit (if not previously submitted) one of the following if such quantities are present at the time of permit issuance:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

**Condition 19: Recycling and Emissions Reduction**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**Item 19.1:**
The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

**Condition 20: 0Emission Point Definition By Emission Unit**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 20.1:**
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00001

Emission Point: 00011
Height (ft.): 206 Diameter (in.): 108
NYTMN (km.): 4510.352 NYTME (km.): 607.29 Building: 76

Emission Point: 00021
Height (ft.): 200 Diameter (in.): 108
NYTMN (km.): 4510.322 NYTME (km.): 607.28 Building: 76

Emission Point: 00031
Height (ft.): 116 Diameter (in.): 44
NYTMN (km.): 4510.337 NYTME (km.): 607.32 Building: 76

**Condition 21: Process Definition By Emission Unit**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 21.1:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: 001 Source Classification Code: 1-03-004-02
Process Description:
Combustion of No. 6 low-sulfur oil for space heating in boilers 211, 311, and 621.

Emission Source/Control: 00211 - Combustion
Design Capacity: 37.75 million Btu per hour

Emission Source/Control: 00311 - Combustion
Design Capacity: 37.75 million Btu per hour

Emission Source/Control: 00621 - Combustion
Design Capacity: 37.75 million Btu per hour

**Item 21.2:**
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00001
Process: 002 Source Classification Code: 1-02-006-02
Process Description:
Combustion of natural gas for space heating in boilers 211, 311, and 621.

Emission Source/Control: 00211 - Combustion
Design Capacity: 37.75 million Btu per hour

Emission Source/Control: 00311 - Combustion
Design Capacity: 37.75 million Btu per hour

Emission Source/Control: 00621 - Combustion
Design Capacity: 37.75 million Btu per hour

**Condition 22: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 22.1:**
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

**Item 22.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Operators of oil-fired boilers which 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 for each boiler which is operating on oil 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:
- date and time of day
- observer's name
- identity of emission point
- weather condition
- was a plume observed?

Inclement weather conditions shall be recorded for those days when observations are prohibited. 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 firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), 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 abis 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.

Monitoring Frequency: DAILY
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 23: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

**Item 23.1:**
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

**Item 23.2:**
Compliance Certification 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 10/30/02.
Subsequent reports are due every 6 calendar month(s).

**Condition 24: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227-2.4(d)**

**Item 24.1:**
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

**Item 24.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
A boiler tune-up shall be performed annually. The owner or operator of a small boiler shall maintain a log (in the format acceptable to the Department) containing the following information: (1) The date which the equipment was adjusted; and (2) The name, title, and affiliation of the person who adjusted the equipment.

Monitoring Frequency: ANNUALLY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/02.
Subsequent reports are due every 6 calendar month(s).

**Condition 25: Compliance Certification**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable Federal Requirement: 6NYCRR 227.2(b)(1)**

**Item 25.1:**
The Compliance Certification activity will be performed for:

Emission Unit: U-00001

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

**Item 25.2:**
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following once per term of this permit:

1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,

2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and

3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.10 pounds per million Btus
Reference Test Method: Method 5
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/02.
Subsequent reports are due every 6 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:** **General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5**

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

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

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

**Condition 26:** **Contaminant List**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable State Requirement: ECL 19-301.**

**Item 26.1:**
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

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

**Condition 27: Unavoidable noncompliance and violations**
**Effective between the dates of 07/09/2002 and 06/04/2007**

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

Item 27.1:
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 28: Air pollution prohibited**
**Effective between the dates of 07/09/2002 and 06/04/2007**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 28.1:**
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.