



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 2-6308-00513/00012
Mod 0 Effective Date: 11/30/2007 Expiration Date: 11/29/2012
Mod 1 Effective Date: 12/07/2009 Expiration Date: 11/29/2012

Permit Issued To: JAMAICA BAY PEAKING FACILITY LLC
700 UNIVERSE BLVD
NORTH PALM BEACH, FL 33408

BAYSWATER PEAKING FACILITY LLC
C/O FPL ENERGY
700 UNIVERSE BLVD
NORTH PALM BEACH, FL 33408

Contact: THOMAS MILLER
BAYSWATER/JAMACIA BAY PEAKING FACILITY
14-25 24TH ST
FAR ROCKAWAY, NY 11691
(718) 471-5541

Facility: BAYSWATER / JAMAICA BAY PEAKING FACILITY
14-25 BAY 24TH ST
FAR ROCKAWAY, NY 11691

Contact: THOMAS MILLER
BAYSWATER/JAMACIA BAY PEAKING FACILITY
14-25 24TH ST
FAR ROCKAWAY, NY 11691
(718) 471-5541

Description:
This is a modification to the Title V permit renewal issued on 11/26/2007. This modification is to include conditions recently promulgated under the regulations 6 NYCRR Parts 243, 244, 245. These regulations requires facilities to obtain at least as many "allocations" of sulfur dioxide (SO₂) & Oxides of Nitrogen (NO_x) as they emit into atmosphere during a specified period of time.

In addition , 6 NYCRR Part 242 condition has also been added under CO₂ Budget Trading Program and Green house gas initiative Requirements.

New York State Department of Environmental Conservation
Facility DEC ID: 2630800513



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

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

Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
 - Applications for permit renewals, modifications and transfers
 - Permit modifications, suspensions or revocations by the Department
 - Permit modifications, suspensions or revocations by the Department

Facility Level

- Submission of application for permit modification or renewal - REGION
2 HEADQUARTERS



DEC GENERAL CONDITIONS

****** General Provisions ******

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 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 4: Relationship of this Permit to Other Department Orders and Determinations

Applicable State Requirement: ECL 3-0301 (2) (m)

Item 4.1:

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 5: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6 NYCRR 621.11

Item 5.1:

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 5.2:

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 5.3:

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 to the Department for approval.



Condition 1-1: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 1-1.1:

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

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

Condition 6: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 621.13

Item 6.1:

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 8: Submission of application for permit modification or renewal - REGION 2 HEADQUARTERS

Applicable State Requirement: 6 NYCRR 621.6 (a)

Item 8.1:

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



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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Facility: BAYSWATER / JAMAICA BAY PEAKING FACILITY
14-25 BAY 24TH ST
FAR ROCKAWAY, NY 11691

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

Mod 0 Permit Effective Date: 11/30/2007

Permit Expiration Date: 11/29/2012

Mod 1 Permit Effective Date: 12/07/2009

Permit Expiration Date: 11/29/2012



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR Subpart 201-6: Compliance Certification
- 25 6 NYCRR 201-7.2: Facility Permissible Emissions
- 26 6 NYCRR Subpart 204-2: Authorized Account Representative
- 27 6 NYCRR 204-2.4: Account certificate of representation
- 28 6 NYCRR 204-8.1: Reference to 40CFR and list of requirements.
- 29 6 NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 30 6 NYCRR 204-8.3: Out of control periods.
- 31 6 NYCRR 204-8.4: Compliance Certification
- 32 6 NYCRR 204-8.5: Compliance Certification
- 33 6 NYCRR 207.2 (a): Episode Action Plan
- 34 6 NYCRR 227-1.3 (a): Compliance Certification
- 35 6 NYCRR 227-2.4 (e): Compliance Certification
- 1-1 6 NYCRR 243-1.6 (a): Permit Requirements
- 1-2 6 NYCRR 243-1.6 (b): Monitoring requirements
- 1-3 6 NYCRR 243-1.6 (c): NOx Ozone Season Emission Requirements
- 1-4 6 NYCRR 243-1.6 (d): Excess emission requirements
- 1-5 6 NYCRR 243-1.6 (e): Recordkeeping and reporting requirements
- 1-6 6 NYCRR 243-2.1: Authorization and responsibilities of CAIR designated representative



- 1-7 6 NYCRR 243-2.4: Certificate of representation
 - 1-8 6 NYCRR 243-8.1: General requirements
 - 1-9 6 NYCRR 243-8.1: Prohibitions
 - 1-10 6 NYCRR 243-8.5 (d): Quarterly reports
 - 1-11 6 NYCRR 243-8.5 (e): Compliance certification
 - 1-12 6 NYCRR Subpart 244-1: CAIR NOx Annual Trading Program General Conditions
 - 1-13 6 NYCRR Subpart 244-2: Designated CAIR Representative
 - 1-14 6 NYCRR Subpart 244-8: Compliance Certification
 - 1-15 6 NYCRR Subpart 245-1: CAIR SO2 Trading Program General Provisions
 - 1-16 6 NYCRR Subpart 245-2: Designated CAIR Representative
 - 1-17 6 NYCRR Subpart 245-8: Compliance Certification
 - 36 40CFR 52.21, Subpart A: Compliance Certification
 - 37 40CFR 52.21, Subpart A: Compliance Certification
 - 38 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
 - 39 40CFR 60.7(a), NSPS Subpart A: Modification Notification
 - 40 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
 - 41 40CFR 60.14, NSPS Subpart A: Modifications.
 - 42 40CFR 60.334(a), NSPS Subpart GG: Compliance Certification
 - 43 40 CFR Part 72: Facility Subject to Title IV Acid Rain Regulations and Permitting
- Emission Unit Level**
- 44 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
 - 45 6 NYCRR Subpart 201-6: Process Definition By Emission Unit
 - 46 6 NYCRR 201-7.2: Emission Unit Permissible Emissions
 - 47 6 NYCRR 201-7.2: Process Permissible Emissions

EU=U-00001

- *48 6 NYCRR 201-7.2: Capping Monitoring Condition
- 49 6 NYCRR 204-4.1: Compliance Certification
- 50 40CFR 60.334(b), NSPS Subpart GG: CEMS

EU=U-00002

- *51 6 NYCRR 201-7.2: Capping Monitoring Condition
- 52 6 NYCRR 204-4.1: Contents of reports and compliance certification.
- 53 6 NYCRR 204-4.1: Compliance Certification
- 54 6 NYCRR 204-7.1: Submission of NOx allowance transfers.
- 55 6 NYCRR 225-1.8 (a): Compliance Certification

EU=U-00002,Proc=003

- 56 6 NYCRR Subpart 201-6: Compliance Certification
- 57 6 NYCRR 227.2 (b) (1): Compliance Certification

EU=U-00002,EP=00002,Proc=003

- 58 6 NYCRR 227-1.3: Compliance Certification
- 59 6 NYCRR 227-2.4 (e): Compliance Certification
- 60 6 NYCRR 227-2.4 (e): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 61 ECL 19-0301: Contaminant List
- 1-18 6 NYCRR 201-1.4: Unavoidable noncompliance and violations



- 62 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-19 6 NYCRR 211.2: Air pollution prohibited
- 63 6 NYCRR 211.2: Air pollution prohibited
- 64 6 NYCRR 237-1.4 (a): Applicable Facility, with a unit of a capacity of 25 MWe or greater
- 65 6 NYCRR 237-1.6 (a): Permit requirements to be included in new permits or units.
- 66 6 NYCRR 237-1.6 (c): Compliance Demonstration
- 67 6 NYCRR 237-1.6 (e): Recordkeeping and Reporting Requirements
- 68 6 NYCRR 237-1.6 (f): Liability- facility and units with common stacks
- 69 6 NYCRR 237-1.6 (g): Effect on other Authorities
- 70 6 NYCRR Subpart 237-2: Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.
- 71 6 NYCRR 237-4.1: Compliance Demonstration
- 72 6 NYCRR 237-7.1: Submission of NOx allowance transfers
- 73 6 NYCRR Subpart 237-8: Compliance Demonstration
- 74 6 NYCRR 238-1.6 (a): Permit requirements to be included in new permits or units only
- 75 6 NYCRR 238-1.6 (c): Compliance Demonstration
- 76 6 NYCRR 238-1.6 (e): Compliance Demonstration
- 77 6 NYCRR 238-1.6 (f): Liability
- 78 6 NYCRR 238-1.6 (g): Effect on Other Authorities
- 79 6 NYCRR 238-2.1: Submissions to the Department
- 80 6 NYCRR 238-4.1: Compliance Demonstration
- 81 6 NYCRR 238-7.1: Submission of SO2 allowance transfers
- 82 6 NYCRR Subpart 238-8: Monitoring and Reporting requirements
- 1-20 6 NYCRR 242-1.5: CO2 Budget Trading Program - Excess emission requirements
- 1-21 6 NYCRR 242-1.5: Compliance Demonstration
- 1-22 6 NYCRR 242-1.5: Compliance Demonstration

Emission Unit Level

EU=U-00001

- 83 6 NYCRR Subpart 201-5: Compliance Demonstration
- 84 6 NYCRR Subpart 201-5: Compliance Demonstration
- 85 6 NYCRR Subpart 201-5: Compliance Demonstration
- 86 6 NYCRR Subpart 201-5: Compliance Demonstration
- 87 6 NYCRR Subpart 201-5: Compliance Demonstration

EU=U-00002,Proc=003

- 88 6 NYCRR Subpart 201-5: Compliance Demonstration
- 89 6 NYCRR Subpart 201-5: Compliance Demonstration
- 90 6 NYCRR Subpart 201-5: Compliance Demonstration
- 91 6 NYCRR Subpart 201-5: Compliance Demonstration

NOTE: * preceding the condition number indicates capping.



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: Emergency Defense - 6 NYCRR 201-1.5

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

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

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

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

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

Item B: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 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 6 NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.



Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR 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 D: Certification by a Responsible Official - 6 NYCRR 201-6.3 (d) (12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item E: Requirement to Comply With All Conditions - 6 NYCRR 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 F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 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 G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 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 H: Property Rights - 6 NYCRR 201-6.5 (a) (6)

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



Item I: Severability - 6 NYCRR 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 J: Permit Shield - 6 NYCRR 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 K: Reopening for Cause - 6 NYCRR 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 L: 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 M: 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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 200.6

Item 1.1:

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

Condition 2: Fees
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (7)

Item 2.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 3.1:



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 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 4.1:

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 5: Compliance Certification

Effective between the dates of 11/30/2007 and 11/29/2012

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

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:

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 60 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 (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.

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

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

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A



written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2008.
Subsequent reports are due every 6 calendar month(s).



Condition 6: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

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

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



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

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

The address for the RAPCE is as follows:

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

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2008.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 7.1:
The Compliance Certification activity will be performed for the Facility.

Item 7.2:
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. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251



effectively.

Condition 11: Recycling and Salvage
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-1.7

Item 11.1:

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

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-3.2 (a)

Item 13.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. 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 this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 14.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.



Condition 15: Standard Requirement - Provide Information
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (4)

Item 15.1:

The owner and/or operator 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. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: General Condition - Right to Inspect
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart 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 emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-6.5 (d) (5)

Item 17.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. 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.

Condition 18: Off Permit Changes
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 18.1:

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 provision 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 as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 19.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 211.3

Item 20.1:

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

Condition 21: Accidental release provisions.

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:40 CFR Part 68

Item 21.1:

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

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

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

Condition 23: Emission Unit Definition
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 23.1(From Mod 0):

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

Emission Unit: U-00001

Emission Unit Description:

This emission unit consists of two simple cycle Pratt and Whitney FT-8 turbines (Twin Pak) combusting natural gas



only. Emissions of oxide of nitrogen are controlled, via water injection and Selective Catalytic Reduction (SCR), to 2.5 ppmvd (corrected to 15% O₂). Emissions of CO are controlled by an oxidation catalyst. Concentrations of NO_x, CO and a diluent (O₂) are measured in the stack by a certified CEMs. Heat input is continuously monitored via the measurement of natural gas flow with a certified meter. In addition, water injection rates are continuously monitored.

Building(s): B1
B2

Item 23.2(From Mod 0):

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

Emission Unit: U-00002

Emission Unit Description:

This emission unit consists of two simple cycle Pratt and Whitney FT-8 turbines combusting natural gas and fuel oil. Each turbine is equipped with water injection for control of oxides of nitrogen. Additional NO_x control by a selective catalytic reduction (SCR) system achieves 2.5 ppmvd (corrected to 15% O₂) for natural gas combustion and 6.0 ppmvd (corrected to 15% O₂) for fuel oil combustion. Emission of CO are controlled by an oxidation catalyst. Concentrations of NO_x, CO, ammonia and a diluent (O₂) are measured in the stack by a certified CEMS. Heat input is continuously monitored via the measurement of natural gas and fuel oil with certified meters. In addition, water and ammonia injection rates are continuously monitored.

Building(s): B2
B3

Condition 24: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and/or operator of this facility shall operate the gas turbines at base load (maximum load), either individually or simultaneously, at all times except during periods of start-up, shutdown and malfunction. The permittee shall maintain a log, at the facility, which

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



records all periods of non-base load operation and the reason for such operation. These records shall be maintained, at the facility, for a period of no less than five years.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: QUARTERLY (ANNIVERSARY)

Initial Report Due: 03/29/2008 for the period 11/30/2007 through 02/28/2008

Condition 25: Facility Permissible Emissions
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 25.1:

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

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

CAS No: 0NY210-00-0 (From Mod 1) PTE: 90,000 pounds
per year

Name: OXIDES OF NITROGEN

Condition 26: Authorized Account Representative
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 204-2

Item 26.1:

(1) Except where an alternate NOx authorized account representative has been appointed as provided under 6 NYCRR 204-2.2, each NOx budget source, including all NOx budget units at the source, shall have one and only one NOx authorized account representative, with regard to all matters under the NOx Budget Trading Program concerning the source or any NOx budget unit at the source.

(2) Each submission under the NOx Budget Trading Program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative: "I am authorized to make the submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment.

Condition 27: Account certificate of representation
Effective between the dates of 11/30/2007 and 11/29/2012



Applicable Federal Requirement:6 NYCRR 204-2.4

Item 27.1: (a) A complete account certificate of representation for a NOx authorized account representative or an alternate NOx authorized account representative shall include the following elements in a format prescribed by the administrator:

- (1) identification of the NOx budget source and each NOx budget unit at the source for which the account certificate of representation is submitted;
- (2) the name, address, e-mail address (if any), telephone number, and facsimile transmission number (if any) of the NOx authorized account representative and any alternate NOx authorized account representative;
- (3) a list of the owners and operators of the NOx budget source and of each NOx budget unit at the source;
- (4) the following certification statement by the NOx authorized account representative and any alternate NOx authorized account representative: "I certify that I was selected as the NOx authorized account representative or alternate NOx authorized account representative, as applicable, by an agreement binding on the owners and operators of the NOx budget source and each NOx budget unit at the source. I certify that I have all the necessary authority to carry out my duties and responsibilities under the NOx Budget Trading Program on behalf of the owners and operators of the NOx budget source and of each NOx budget unit at the source and that each such owner and operator shall be fully bound by my representations, actions, inactions, or submissions and by any decision or order issued to me by the department, the administrator, or a court regarding the source or unit"; and
- (5) the signature of the NOx authorized account representative and any alternate NOx authorized account representative and the dates signed.

(b) Unless otherwise required by the department or the administrator, documents of agreement referred to in the account certificate of representation shall not be submitted to the department or the administrator. Neither the department nor the administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted

**Condition 28: Reference to 40CFR and list of requirements.
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable Federal Requirement:6 NYCRR 204-8.1

Item 28.1: The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx Budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

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 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 29: Requirements for recertification of monitoring systems.
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable Federal Requirement:6 NYCRR 204-8.2

Item 29.1: 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 polynomial coefficients.

**Condition 30: Out of control periods.
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable Federal Requirement:6 NYCRR 204-8.3

Item 30.1:

This Condition applies to:

- Emission Unit: U00001
Process: 001 Emission Source: 00001

- Emission Unit: U00001
Process: 001 Emission Source: 00002

- Emission Unit: U00001
Process: 001 Emission Source: 100CO

- Emission Unit: U00001
Process: 001 Emission Source: 10SCR

- Emission Unit: U00002



| | |
|---------------------------------------|------------------------|
| Process: 002 | Emission Source: 00003 |
| Emission Unit: U00002 Process: 002 | Emission Source: 00004 |
| Emission Unit: U00002 Process: 002 | Emission Source: 200CO |
| Emission Unit: U00002 Process: 002 | Emission Source: 20SCR |
| Emission Unit: U00002 Process: 003 | Emission Source: 00003 |
| Emission Unit: U00002 Process: 003 | Emission Source: 00004 |
| Emission Unit: U00002 Process: 003 | Emission Source: 200CO |
| Emission Unit: U00002 Process: 003 | Emission Source: 20SCR |

Item 30.2: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 31: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR 204-8.4

Item 31.1:

The Compliance Certification activity will be performed for the Facility.

Item 31.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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



Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The NOx authorized account representative shall submit each quarterly report to the department and the administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of 40 CFR part 75 and 40 CFR 75.64.

- For units subject to an Acid Rain Emissions limitation, quarterly reports shall include all of the data and information required in subpart H of 40 CFR part 75 for each NOx budget unit (or group of units using a common stack) as well as information required in subpart G of 40 CFR part 75.

- For units not subject to an acid rain emissions limitation, quarterly reports are only required to include all of the data and information required in subpart H of 40 CFR part 75 for each NOx budget unit (or group of units using a common stack).

Compliance certification

The NOx authorized account representative shall submit to the department and the administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR part 75, including the quality assurance procedures and specifications;

(ii) for a unit with add-on NOx emission controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the monitoring plan and the substitute values do not systematically underestimate NOx emissions; and

(iii) for a unit that is reporting on a control period basis under this subdivision the NOx emission rate and NOx concentration values substituted for missing data under subpart D of 40 CFR part 75 are calculated using only

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



values from a control period and do not systematically underestimate NOx emissions.

The NOx authorized account representative shall comply with all recordkeeping and reporting requirements in this section and with the requirements of section 204-2.1(e) of 6 NYCRR Part 204.

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 06/28/2008 for the period 11/30/2007 through 05/29/2008

Condition 33: Episode Action Plan
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 207.2 (a)

Item 33.1: Any person who owns a significant air contamination source shall submit a proposed episode action plan to the commissioner within 90 days of his request therefor. The plan shall contain detailed steps which will be taken by the air contamination source owner to reduce air contaminant emissions during each stage of an air pollution episode. The commissioner shall make available and furnish with his request therefor, guidelines for preparation of episode action plans.

Condition 34: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 34.1:
The Compliance Certification activity will be performed for the Facility.

Item 34.2:
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

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 06/28/2008 for the period 11/30/2007 through 05/29/2008

Condition 35: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012



Applicable Federal Requirement:6 NYCRR 227-2.4 (e)

Item 35.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001
Process: 001

Emission Unit: U-00002
Process: 002

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall continuously monitor the exhaust gas concentration of oxides of nitrogen. The limit requirements have been determined from the manufacturer's specifications, control device guarantees, and fuel characteristics, as per the facility's application. The permittee shall maintain records of oxides of nitrogen measurements, at the facility, for a period of no less than five years. 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.

Manufacturer Name/Model Number: NOx Monitor
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 2.5 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: Method 20
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 1-1: Permit Requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-1.6 (a)



Item 1-1.1:

The CAIR designated representative of each CAIR NO_x Ozone Season source shall:

- (i) submit to the department a complete CAIR permit application under section 243-3.3 in accordance with the deadlines specified in section 243-3.2; and
- (ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review a CAIR permit application and issue or deny a CAIR permit.

The owners and operators of each CAIR NO_x Ozone Season source shall have a CAIR permit issued by the department under Subpart 243-3 for the source and operate the source and the unit in compliance with such CAIR permit.

Condition 1-2: Monitoring requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-1.6 (b)

Item 1-2.1:

The emissions measurements recorded and reported in accordance with Subpart 243-8 shall be used to determine compliance by each CAIR NO_x Ozone Season source with the CAIR NO_x Ozone Season emissions limitation under subdivision (c) of this section.

Condition 1-3: NO_x Ozone Season Emission Requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-1.6 (c)

Item 1-3.1:

As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NO_x Ozone Season allowances available for compliance deductions for the control period under section 243-6.5(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NO_x Ozone Season units at the source, as determined in accordance with Subpart 243-8. The CAIR NO_x ozone season is the period beginning May 1 of a calendar year, except as provided in section 243-1.6(c)(2), and ending on September 30 of the same year, inclusive.

A CAIR NO_x Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NO_x Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO_x Ozone Season allowance was allocated.

CAIR NO_x Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO_x Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under section 243-1.5 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

A CAIR NO_x Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Condition 1-4: Excess emission requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-1.6 (d)

Item 1-4.1:

If a CAIR NO_x Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO_x Ozone Season emissions limitation, then:

- (1) the owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under section 243-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law; and
- (2) each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.

Condition 1-5: Recordkeeping and reporting requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-1.6 (e)

Item 1-5.1:

Unless otherwise provided, the owners and operators of the CAIR NO_x Ozone Season source and each CAIR NO_x Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator.

- (i) The certificate of representation under section 243-2.4 for the CAIR designated representative for the source and each CAIR NO_x Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under section 243-2.4 changing the CAIR designated representative.
- (ii) All emissions monitoring information, in accordance with Subpart 243-8, provided that to the extent that Subpart 243-8 provides for a three-year period for recordkeeping, the three-year period shall apply.
- (iii) Copies of all reports, compliance certifications, and other submissions and all records made



or required under the CAIR NOx Ozone Season Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NOx Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NOx Ozone Season Trading Program.

**Condition 1-6: Authorization and responsibilities of CAIR designated representative
Effective between the dates of 12/07/2009 and 11/29/2012**

Applicable Federal Requirement:6 NYCRR 243-2.1

Item 1-6.1:

Except as provided under section 243-2.2, each CAIR NOx Ozone Season source, including all CAIR NOx Ozone Season units at the source, shall have one and only one CAIR designated representative, with regard to all matters under the CAIR NOx Ozone Season Trading Program concerning the source or any CAIR NOx Ozone Season unit at the source.

The CAIR designated representative of the CAIR NOx Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NOx Ozone Season units at the source and shall act in accordance with the certification statement in section 243-2.4(a)(4)(iv).

Upon receipt by the Administrator of a complete certificate of representation under section 243-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NOx Ozone Season source represented and each CAIR NOx Ozone Season unit at the source in all matters pertaining to the CAIR NOx Ozone Season Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.

No CAIR permit will be issued, no emissions data reports will be accepted, and no CAIR NOx Ozone Season Allowance Tracking System account will be established for a CAIR NOx Ozone Season unit at a source, until the Administrator has received a complete certificate of representation under section 243-2.4 for a CAIR designated representative of the source and the CAIR NOx Ozone Season units at the source.

Each submission under the CAIR NOx Ozone Season Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NOx Ozone Season source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."



Condition 1-7: Certificate of representation
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-2.4

Item 1-7.1:

Unless otherwise required by the department or the Administrator, documents of agreement referred to in the certificate of representation shall not be submitted to the department or the Administrator. Neither the department nor the Administrator shall be under any obligation to review or evaluate the sufficiency of such documents, if submitted.

Condition 1-8: General requirements
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-8.1

Item 1-8.1:

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NOx Ozone Season unit, shall comply with the monitoring, recordkeeping, 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 243-1.2 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 deemed to refer to the terms "CAIR NOx Ozone Season unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 243-1.2. The owner or operator of a unit that is not a CAIR NOx Ozone Season unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NOx Ozone Season unit.

'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR NOx Ozone Season unit shall:

- (1) install all monitoring systems required under this Subpart for monitoring NOx mass emissions and individual unit heat input (including all systems required to monitor NOx emission rate, NOx concentration, stack gas moisture content, stack gas flow rate, CO2 or O2 concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);
- (2) successfully complete all certification tests required under section 243-8.2 and meet all other requirements of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraph (a)(1) of this section; and
- (3) record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

Condition 1-9: Prohibitions
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-8.1

Item 1-9.1:

No owner or operator of a CAIR NOx Ozone Season unit shall use any alternative monitoring



system, alternative reference method, or any other alternative to any requirement of this Subpart without having obtained prior written approval in accordance with section 243-8.6.

No owner or operator of a CAIR NO_x Ozone Season unit shall 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.

No owner or operator of a CAIR NO_x Ozone Season unit shall 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 or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

No owner or operator of a CAIR NO_x Ozone Season unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:

- (i) during the period that the unit is covered by an exemption under section 243-1.5 that is in effect;
- (ii) 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 retired or discontinued monitoring system; or
- (iii) the CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with section 243-8.2(d)(3)(i).

Condition 1-10: Quarterly reports
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR 243-8.5 (d)

Item 1-10.1:

The CAIR designated representative shall submit quarterly reports, as follows:

If the CAIR NO_x Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO_x emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NO_x mass emissions) for such unit for the entire year and shall report the NO_x mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

- (i) for a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;
- (ii) for a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 243-8.1(b), unless that quarter is the third or fourth quarter of 2007 or the first quarter of 2008, in which case reporting shall commence in the



quarter covering May 1, 2008 through June 30, 2008.

The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).

For CAIR NOx Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Annual Trading Program, CAIR SO2 Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by this Subpart.

Condition 1-11: Compliance certification
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 243-8.5 (e)

Item 1-11.1:

The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

- (1) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications;
- (2) for a unit with add-on NOx emission controls and for all hours where NOx data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NOx emissions; and
- (3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NOx emission rate and NOx concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NOx emissions.

Condition 1-12: CAIR NOx Annual Trading Program General Conditions
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 244-1

Item 1-12.1:

1) As of midnight of March 1, or midnight of the first business day thereafter if March 1 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NOx allowances available for compliance deductions for the previous control period (January 1 through December 31), in an amount not less than the total tons of nitrogen oxides emissions from all CAIR NOx units at the source during that control period. A CAIR NOx allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NOx allowance was allocated. [244-1.6(c)(1), 244-1.2(b)(5),



244-1.2(b)(36), 244-1.6(c)(3)]

2) The owners and operators shall hold in their compliance account, CAIR NO_x allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting a CAIR NO_x unit's monitor certification requirements under section 244-8.1(b)(1), (2), or (5) and for each control period thereafter. [244-1.6(c)(2)]

3) If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, the owners and operators of the CAIR NO_x source shall surrender the CAIR NO_x allowances required for deduction under 6NYCRR Part 244-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this permit, the Act, and applicable State law. [(244-1.6(d)]

4) Unless otherwise provided, the owners and operators of the CAIR NO_x source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [244-1.6(e)]

(i) The certificate of representation under 6NYCRR Part 244-2.4 for the CAIR designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new certificate of representation under 6NYCRR Part 244-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 244-8, provided that to the extent that 6NYCRR Part 244-8 provides for a three year period for recordkeeping, the three year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO_x Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO_x Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO_x Annual Trading Program.

Condition 1-13: Designated CAIR Representative
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 244-2

Item 1-13.1:

1) Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 244-2.2, with regard to all matters under the CAIR NO_x Annual Trading Program. The CAIR designated representative shall be selected by an agreement binding on the owners and operators of the source and act in accordance with the certification statement in 6NYCRR Part 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 244-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO_x source represented in all matters pertaining to the CAIR NO_x Annual Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding



the source. [244-2.1(a), (b) & (c)]

(2) Each submission under the CAIR NOx Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NOx source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [244-2.1(e)]

Condition 1-14: Compliance Certification
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 244-8

Item 1-14.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 1-14.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting NOX emissions

(1) The owners and operators, and to the extent applicable, the CAIR designated representative shall comply with all recordkeeping and reporting requirements in this condition, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6NYCRR Part 244-2.1(e)(1).

(2) The CAIR designated representative shall submit quarterly reports of the the NOx mass emissions data and heat input data for each CAIR NOx unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under 6NYCRR Part 244-8.1(b), unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008.



(3) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).

(4) For CAIR NO_x units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x Ozone Season Trading Program, CAIR SO₂ Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NO_x mass emission data, heat input data, and other information required by this Subpart.

(5) 'Compliance certification.' The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) the monitoring data submitted were recorded in accordance with the applicable requirements of 6NYCRR Part 244 and 40 CFR Part 75, including the quality assurance procedures and specifications; and

(ii) for a unit with add-on NO_x emission controls and for all hours where NO_x data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NO_x emissions.

(6) Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR part 75, data shall be substituted using the applicable missing data procedures in Subpart D or Subpart H of, or appendix D or appendix E to 40 CFR part 75. [244-8.3(a)]

(7) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 6NYCRR Part 244-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat



input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 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 may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NO_x monitoring system under appendix E to 40 CFR part 75, under 6NYCRR Part 244-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6). [224-8.2(d)(2)

Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL TOTAL
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 1-15: CAIR SO₂ Trading Program General Provisions
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 245-1

Item 1-15.1:

- 1) As of midnight of March 1, or midnight of the first business day thereafter (if March 1 is not a business day) for a control period, the owners and operators of each Clean Air Interstate Rule (CAIR) SO₂ source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO₂ allowances available for compliance deductions for the control period (January 1 through December 31) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source. A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (2) of this section, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated. [(245-1.2(b)(5), 245-1.6(c)(1), 245-1.2(b)(36), 245-1.6(c)(3)]
- 2) The owners and operators shall hold in their compliance account, CAIR SO allowances available for compliance deductions for the control period starting on the later of January 1, 2010 or the deadline for meeting a CAIR SO₂ unit's monitor certification requirements under section 245-8.1(b)(1), (2), or (5) and for each control period thereafter. [245-1.6(c)(2)]
- 3) If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR



SO₂ emissions limitation, the owners and operators of the source shall surrender the CAIR SO₂ allowances required for deduction under 6NYCRR Part 245-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.
[(245-1.6(d))]

4) Unless otherwise provided, the owners and operators of the CAIR SO₂ source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [245-1.6(e)]

(i) The certificate of representation under 6NYCRR Part 245-2.4 for the CAIR designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under 6NYCRR Part 245-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 245-8, provided that to the extent that 6NYCRR Part 245-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO₂ Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO₂ Trading Program or to demonstrate compliance with the requirements of the CAIR SO₂ Trading Program.

Condition 1-16: Designated CAIR Representative

Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR Subpart 245-2

Item 1-16.1:

1) Each CAIR SO₂ source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters under the CAIR SO₂ Trading Program. The CAIR designated representative of the CAIR SO₂ source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO₂ units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO₂ source represented and each CAIR SO₂ unit at the source in all matters pertaining to the CAIR SO₂ Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.
[245-2.1(a), (b) & (c)]

(2) Each submission under the CAIR SO₂ Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR SO₂ source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under



penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [245-2.1(e)]

Condition 1-17: Compliance Certification
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR Subpart 245-8

Item 1-17.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 1-17.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting SO₂ emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR SO₂ unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such requirements, the definitions in section 245-1.2 and 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 deemed to refer to the terms "CAIR SO₂ unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO₂ unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO₂ unit. [245-8.1]

2) The owner or operator of each CAIR SO₂ unit shall:
[245-8.1(a)]

(i) install all monitoring systems required under this Subpart for monitoring SO₂ mass emissions and individual unit heat input (including all systems required to monitor SO₂ concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ concentration, and fuel flow rate, as



applicable, in accordance with 40 CFR 75.11 and 40 CFR 75.16);

(ii) successfully complete all certification tests required under Part 245-8.2 and meet all other requirements of this section and 40 CFR Part 75 applicable to the monitoring systems under this section; and

(iii) record, report, and quality-assure the data from the monitoring systems under paragraph of this section.

3) The owner or operator shall meet the monitoring system certification and other requirements of section 245-8.1(a)(1) and (2) on or before the following dates.

The owner or operator shall record, report, and quality-assure the data from the monitoring systems under section 245-8.1(a)(1) on and after the following dates. [245-8.1(b)]

(i) For the CAIR SO₂ unit that commences commercial operation before July 1, 2008, by January 1, 2009.

(ii) For the CAIR SO₂ unit that commences commercial operation on or after July 1, 2008, by the later of the following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

4) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under section 245-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record SO₂ mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 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 may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system under section 245-8.1(a)(1) is subject to the recertification requirements in 40 CFR 75.20(g)(6). [245-8.2(d)(2)]

5) Whenever any monitoring system fails to meet the



quality-assurance and quality-control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in Subpart D of or appendix D to 40 CFR Part 75.

[245-8.3(a)]

6) The CAIR designated representative shall comply with all recordkeeping and reporting requirements in section 245-8.3, the applicable recordkeeping and reporting requirements in Subparts F and G of 40 CFR Part 75, and the requirements of section 245-2.1(e)(1).

[245-8.5(a)]

7) The owner or operator of a CAIR SO₂ unit shall comply with requirements of 40 CFR 75.62 for monitoring plans.

[245-8.5(b)]

8) The CAIR designated representative shall submit an application to the department within 45 days after completing all initial certification or recertification tests required under section 245-8.2, including the information required under 40 CFR 75.63. [245-8.5(c)]

]

9) The CAIR designated representative shall submit quarterly reports of the SO₂ mass emissions data and heat input data for each CAIR SO₂ unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

[245-8.5(d)(1)]

i) the calendar quarter covering January 1, 2009 through March 31, 2009 for a unit that commences commercial operation before July 1, 2008; or

ii) for a unit that commences commercial operation on or after July 1, 2008, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 245-8.1(b), unless that quarter is the third or fourth quarter of 2008, in which case reporting shall commence in the quarter covering January 1, 2009 through March 31, 2009.

10) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.64. [245-8.5(d)(2)]

11) For CAIR SO₂ units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility



Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the SO₂ mass emission data, heat input data, and other information required by this Subpart. [245-8.5(d)(3)]

12) The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that: [245-8.5(e)]

- i) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications; and
- ii) for a unit with add-on SO₂ emission controls and for all hours where SO₂ data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate SO₂ emissions.

Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL TOTAL
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 36: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 36.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00001

Emission Unit: U-00002

Regulated Contaminant(s):
CAS No: 000630-08-0 CARBON MONOXIDE

Item 36.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall install, calibrate, maintain and operate a continuous emissions monitor for the measurement of carbon monoxide. The limit requirements have been determined from the manufacturer's specifications, control device guarantees, and fuel characteristics, as per the facility's application. The permittee shall maintain records of carbon monoxide measurements, at the facility, for a period of no less than five years. A CO stack concentration limit is reported as 8.0 ppmvd @ 15% O₂. This correlates to 10.7 lb/hr and 0.018 lb/MMBtu for the required output.

Manufacturer Name/Model Number: CO Monitor

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 8.0 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: Method 10

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 1/30/2008.

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

Condition 37: Compliance Certification

Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 37.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 007664-41-7 AMMONIA

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility shall install, calibrate, maintain and operate a continuous emissions monitor for ammonia slip, in accordance with the manufacturer's specifications. The limit requirements have been determined from the manufacturer's specifications, control device guarantees,



Item 39.1:

Any owner or operator subject to 40 CFR Part 60 shall furnish the Administrator and this office with the following information:

- 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 Part 60. 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 proposed emission control systems, productivity capability of the facility before and after the change, and the expected completion date of the change. The Administrator and/or this Department may request additional information regarding the change.

Condition 40: Recordkeeping requirements.
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 40.1:

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 41: Modifications.
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:40CFR 60.14, NSPS Subpart A

Item 41.1:

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 42: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 42.1:

The Compliance Certification activity will be performed for the Facility.

Item 42.2:

Compliance Certification 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 40 CFR 60 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

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



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 4/30/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 43: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 11/30/2007 and 11/29/2012
Applicable Federal Requirement:40 CFR Part 72

Item 43.1: 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 44: Emission Point Definition By Emission Unit
Effective between the dates of 11/30/2007 and 11/29/2012
Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 44.1(From Mod 0):
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00001

Emission Point: 00001
Height (ft.): 110 Diameter (in.): 175
NYTMN (km.): 4496.197 NYTME (km.): 604.69 Building: B1

Item 44.2(From Mod 0):
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00002

Emission Point: 00002
Height (ft.): 110 Diameter (in.): 180
NYTMN (km.): 4496.352 NYTME (km.): 604.723 Building: B3

Condition 45: Process Definition By Emission Unit
Effective between the dates of 11/30/2007 and 11/29/2012
Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 45.1(From Mod 0):
This permit authorizes the following regulated processes for the cited Emission Unit:



Emission Unit: U-00001
Process: 001 Source Classification Code: 2-01-002-01
Process Description:
Two simple cycle Pratt and Whitney FT8 Combustion
Turbines fired solely by natural gas. The two turbines
serve one generator (Twin Pac configuration) and exhaust
to a common stack.

Emission Source/Control: 00001 - Combustion

Emission Source/Control: 00002 - Combustion

Emission Source/Control: 100CO - Control
Control Type: CATALYTIC OXIDATION

Emission Source/Control: 10SCR - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Item 45.2(From Mod 0):

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

Emission Unit: U-00002
Process: 002 Source Classification Code: 2-01-002-01
Process Description:
Two simple cycle Pratt and Whitney FT 8 Combustion
turbines fired by natural gas. The two turbines serve
one generator (Swift Pac configuration) and exhaust to a
common stack.

Emission Source/Control: 00003 - Combustion
Design Capacity: 290.2 million Btu per hour

Emission Source/Control: 00004 - Combustion
Design Capacity: 290.2 million Btu per hour

Emission Source/Control: 200CO - Control
Control Type: CATALYTIC OXIDATION

Emission Source/Control: 20SCR - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Item 45.3(From Mod 0):

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

Emission Unit: U-00002
Process: 003 Source Classification Code: 2-01-001-01
Process Description:
Two simple cycle Pratt and Whitney FT8 Combustion
turbines fired by fuel oil. The two turbines serve one
generator (Swift Pac configuration) and exhaust to a
common stack.

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Emission Source/Control: 00003 - Combustion
Design Capacity: 290.2 million Btu per hour

Emission Source/Control: 00004 - Combustion
Design Capacity: 290.2 million Btu per hour

Emission Source/Control: 200CO - Control
Control Type: CATALYTIC OXIDATION

Emission Source/Control: 20SCR - Control
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

Condition 46: Emission Unit Permissible Emissions
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 46.1:

The sum of emissions from all regulated processes specified in this permit for the emission unit cited

shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: U-00001

CAS No: 0NY210000 (From Mod 0)

Name: OXIDES OF NITROGEN

PTE(s): 5.2 pounds per hour

45,600 pounds per year

Emission Unit: U-00002

CAS No: 0NY210000 (From Mod 0)

Name: OXIDES OF NITROGEN

PTE(s): 45,000 pounds per year

13.5 pounds per hour

Condition 47: Process Permissible Emissions
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 47.1:

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: U-00001 Process: 001

CAS No: 0NY210-00-0 (From Mod 0)

Name: OXIDES OF NITROGEN

PTE(s): 5.2 pounds per hour



45,600 pounds per year

Emission Unit: U-00002 Process: 002

CAS No: 0NY210-00-0 (From Mod 0)

Name: OXIDES OF NITROGEN

PTE(s): 5.5 pounds per hour

45,000 pounds per year

Condition 48: Capping Monitoring Condition
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 48.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-2

Item 48.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 48.3:

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

Item 48.4:

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

Item 48.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 48.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):



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

Item 48.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall install, calibrate, maintain, and operate a continuous emissions monitor to determine compliance with the limitation for oxides of nitrogen.

The facility shall determine compliance based on a one hour average. All records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: NOx CEM

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.8 tons per year

Reference Test Method: 40 CFR 75

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 1/30/2008.

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

Condition 49: Compliance Certification

Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 204-4.1

Item 49.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 49.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 50: CEMS



Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 50.1:

This Condition applies to:

Emission Unit: U00002 Emission Point: 00002

Item 50.1:

This Condition applies to Emission Unit: U-00001

Item 50.2.3:

The owner or operator of any stationary gas turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which uses water or steam injection to control NOX emissions may, as an alternative to operating the continuous monitoring system described in paragraph (a) of this section, install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NOX and O2 monitors. As an alternative, a CO2 monitor may be used to adjust the measured NOX concentrations to 15 percent O2 by either converting the CO2 hourly averages to equivalent O2 concentrations using Equation F-14a or F-14b in appendix F to 40 CFR Part 75 and making the adjustments to 15 percent O2, or by using the CO2 readings directly to make the adjustments, as described in Method 20. If the option to use a CEMS is chosen, the CEMS shall be installed, certified, maintained and operated as specified in 40 CFR 60.334(b)(1), (2) and (3).

Condition 51: Capping Monitoring Condition

Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 201-7.2

Item 51.1:

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 231-2

Item 51.2:

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

Item 51.3:

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

Item 51.4:

On an annual basis, unless otherwise specified below, beginning one year after the granting of an

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

Item 51.5:

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

Item 51.6:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

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

Item 51.7:

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall install, calibrate, maintain, and operate a continuous emissions monitor to determine compliance with the limitation for oxides of nitrogen.

The facility shall determine compliance based on a one hour average. All records shall be maintained at the facility for a minimum of five years.

Manufacturer Name/Model Number: NOx CEM

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 22.5 tons per year

Reference Test Method: 40 CFR 75

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 1/30/2008.

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

**Condition 52: Contents of reports and compliance certification.
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable Federal Requirement:6 NYCRR 204-4.1

Item 52.1:

This Condition applies to:



Emission Unit: U00001

Item 52.1:

This Condition applies to Emission Unit: U-00002

Item 52.2.3: 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 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.

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 53: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 204-4.1

Item 53.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Item 53.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 54: Submission of NOx allowance transfers.
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR 204-7.1

Item 54.1:

This Condition applies to:

Emission Unit: U00001

Item 54.1:

This Condition applies to Emission Unit: U-00002

Item 54.2.3: The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:

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



Condition 55: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 55.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee shall retain fuel oil supplier certifications for each shipment of oil received. Such certifications shall contain, as a minimum: supplier name, date of shipment, quantity shipped, oil sulfur content, and the method used to determine the sulfur content. Such certifications shall be available for inspection by, or submittal to, NYSDEC upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 06/28/2008 for the period 11/30/2007 through 05/29/2008

Condition 56: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Process: 003

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL



Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.050 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 4/30/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 57: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002
Process: 003

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

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for 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.
- 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 4/30/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 58: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR 227-1.3

Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: 003

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil-fired internal combustion engines 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 internal combustion engine 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:
 - weather condition
 - was a plume observed?

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

- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days 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 is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

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

Monitoring Frequency: DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2008.

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

Condition 59: Compliance Certification

Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR 227-2.4 (e)

Item 59.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Process: 003

Regulated Contaminant(s):

CAS No: 0NY210-00-0

OXIDES OF NITROGEN

Item 59.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall install, calibrate, maintain and operate a continuous emissions monitor for the measurement of oxides of nitrogen and oxygen or carbon dioxide. The limit requirements have been determined from the manufacturer's specifications, control device guarantees, and fuel characteristics, as per the facility's application. The upper limit of allowable emissions for Oxides of Nitrogen shall be 13.9 pounds per hour when using fuel oil as the fuel source. The permittee shall maintain records for oxides of nitrogen measurements, at the facility, for a period of no less than five years.

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Manufacturer Name/Model Number: NOx analyzer
Upper Permit Limit: 13.9 pounds per hour
Reference Test Method: 40 CFR 75
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 60: Compliance Certification
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable Federal Requirement: 6 NYCRR 227-2.4 (e)

Item 60.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: 003

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 60.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall install, calibrate, maintain and operate a continuous emissions monitor for the measurement of oxides of nitrogen and oxygen or carbon dioxide. The limit requirements have been determined from the manufacturer's specifications, control device guarantees, and fuel characteristics, as per the facility's application. The upper limit of allowable emissions for Oxides of Nitrogen shall be 6.0 ppmvd (corrected to 15% O₂) when using fuel oil as the fuel source. The permittee shall maintain records for oxides of nitrogen measurements, at the facility, for a period of no less than five years.

Manufacturer Name/Model Number: NOx analyzer
Upper Permit Limit: 6.0 parts per million by volume
(dry, corrected to 15% O₂)
Reference Test Method: 40 CFR 75
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 1/30/2008.



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: 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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.

Condition 61: Contaminant List
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:ECL 19-0301

Item 61.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000630-08-0
Name: CARBON MONOXIDE



CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 007664-41-7
Name: AMMONIA

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

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

Condition 1-18: Unavoidable noncompliance and violations
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable State Requirement:6 NYCRR 201-1.4

Item 1-18.1:

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 62: Unavoidable noncompliance and violations
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR 201-1.4

Item 62.1:

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 1-19: Air pollution prohibited
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable State Requirement:6 NYCRR 211.2

Item 1-19.1:

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

Condition 63: Air pollution prohibited
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR 211.2

Item 63.1:

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

Condition 64: Applicable Facility, with a unit of a capacity of 25 MWe or greater
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR 237-1.4 (a)

Item 64.1:

Any unit, that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe and sells any amount of electricity shall be a NOx budget unit, and any source that includes one or more such units shall be a NOx budget source,



subject to the requirements of NYCRR 237.

**Condition 65: Permit requirements to be included in new permits or units.
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR 237-1.6 (a)

Item 65.1: The NOx authorized account representative of each NOx budget unit shall:
Submit to the department a complete NOx budget permit application under NYCRR 237-3.3 in accordance with the deadlines specified in NYCRR 237-3.2(b); and submit in a timely manner any supplemental information that the department determines is necessary in order to review a NOx budget permit application and issue or deny a NOx budget permit.

The owners and operators of each NOx budget unit shall have a NOx budget permit and operate the unit in compliance with such NOx budget permit.

**Condition 66: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR 237-1.6 (c)

Item 66.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 66.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under NYCRR 237-6.5, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with NYCRR 237-8.

Each ton of NOx emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of applicable State law.

A NOx budget unit shall be subject to the requirements under NYCRR 237-1.6(c)(1) starting when the unit commences operation.

NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with NYCRR 237-5, 237-6, 237-7, and 237-9.

Except for future control period NOx allowances which may



be deducted pursuant to NYCRR 237-6.5(f), a NOx allowance shall not be deducted, in order to comply with the requirements under NYCRR 237-1.6(c)(1), for a control period in a year prior to the year for which the NOx allowance was allocated.

A NOx allowance allocated by the department under the Acid Deposition Reduction (ADR) NOx Budget Trading Program is a limited authorization to emit one ton of NOx in accordance with the ADR NOx Budget Trading Program. No provision of the ADR NOx Budget Trading Program, the NOx budget permit application, or the NOx budget permit or any provision of law shall be construed to limit the authority of the State to terminate or limit such authorization.

A NOx allowance allocated by the department under the ADR NOx Budget Trading Program does not constitute a property right.

The owners and operators of a NOx budget unit that has excess emissions in any control period shall: Forfeit the NOx allowances required for deduction under NYCRR 237-6.5(d)(1); and pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 237-6.5(d)(3).

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2008.
Subsequent reports are due every 12 calendar month(s).

**Condition 67: Recordkeeping and Reporting Requirements
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement: 6 NYCRR 237-1.6 (e)

Item 67.1:

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

- 1) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 237-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.
- 2) All emissions monitoring information, in accordance with NYCRR 237-8.
- 3) Copies of all reports, compliance certifications, and other submissions and all records made



or required under the ADR NOx Budget Trading Program.

4)Copies of all documents used to complete a NOx budget permit application and any other submission under the ADR NOx Budget Trading Program or to demonstrate compliance with the requirements of the ADR NOx Budget Trading Program.

The NOx authorized account representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the ADR NOx Budget Trading Program, including those under NYCRR 237-4, 237-8, or 237-9.

**Condition 68: Liability- facility and units with common stacks
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR 237-1.6 (f)

Item 68.1:

No permit revision shall excuse any violation of the requirements of the ADR NOx Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR NOx Budget Trading Program that applies to a NOx budget source (including a provision applicable to the NOx authorized account representative of a NOx budget source) shall also apply to the owners and operators of such source and of the NOx budget units at the source.

Any provision of the ADR NOx Budget Trading Program that applies to a NOx budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under NYCRR 237-8, the owners and operators and the NOx authorized account representative of one NOx budget unit shall not be liable for any violation by any other NOx budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

**Condition 69: Effect on other Authorities
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR 237-1.6 (g)

Item 69.1:

No provision of the ADR NOx Budget Trading Program, a NOx budget permit application, or a NOx budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx budget source or NOx budget unit from compliance with any other provisions of applicable State and federal law and regulations.

**Condition 70: Authorization and responsibilities of the NOx authorized
account representative to be included in existing
permits.**

Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 237-2



Item 70.1: Except as provided under NYCRR 237-2.2, each NOx budget source, including all NOx budget units at the source, shall have one and only one NOx authorized account representative, with regard to all matters under the Acid Deposition Reduction (ADR) NOx Budget Trading Program concerning the source or any NOx budget unit at the source.

The NOx authorized account representative of the NOx budget source shall be selected by an agreement binding on the owners and operators of the source and all NOx budget units at the source.

Upon receipt by the department or its agent of a complete account certificate of representation under NYCRR 237-2.4, the NOx authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NOx budget source represented and each NOx budget unit at the source in all matters pertaining to the ADR NOx Budget Trading Program, notwithstanding any agreement between the NOx authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NOx authorized account representative by the department or a court regarding the source or unit.

Each submission under the ADR 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 such submission shall include the following certification statement by the NOx authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Condition 71: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR 237-4.1

Item 71.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 71.2:

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 by the September 30 following the relevant control period, a compliance certification report for each source covering all such units.



The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the department, 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;
- (2) except in instances when the NOx budget unit seeks to use future control period NOx allowances which may be deducted pursuant to NYCRR 237-6.5(f), at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under NYCRR 237-6.5 for the control period;
- (3) at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with NYCRR 237-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under NYCRR 237-6.5(e);
- (4) for units using future control period allowances for compliance purposes pursuant to NYCRR 237-6.5(f), the statement of intent and report required under NYCRR 237-6.5(f)(2); and
- (5) the compliance certification under NYCRR 237-4(c).

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 Acid Deposition Reduction (ADR) 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 ADR NOx Budget Trading Program applicable to the unit, including:

- (a) whether the unit was operated in compliance with the NOx budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with NYCRR 237-8;



The Compliance Demonstration activity will be performed for the Facility.

Item 73.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx budget unit, shall comply with the monitoring and reporting requirements as provided in this NYCRR 237-8 and in Subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 237-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "NOx budget unit," and "NOx authorized account representative," respectively, as defined in section 237-1.2.

For any NOx budget unit which is also a NOx budget unit under Part 204 of this title, prior or contemporaneous timely submissions in compliance with the requirements of Subpart 204-8 may, when appropriate, be summarily referenced by the owners and operators of the NOx budget unit in order to demonstrate compliance with the requirements of this Subpart:

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 74: Permit requirements to be included in new permits or units only

Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 74.1:

The SO2 authorized account representative of each SO2 budget unit shall:

(i) submit to the department a complete SO2 budget permit application under section 238-3.3 in accordance with the deadlines specified in NYCRR 238-3.2, which states the later of October 1, 2004 or 12 months before the date on which the SO2 budget unit commences operation;

(ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review an SO2 budget permit application and issue or deny an SO2 budget permit.

The owners and operators of each SO2 budget unit shall have an SO2 budget permit and operate the unit in compliance with such SO2 budget permit.



Condition 75: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 75.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 75.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Owners and operators of each SO₂ budget source and each SO₂ budget unit at the source shall hold SO₂ allowances available for compliance deductions under NYCRR 238-6.5, as of the SO₂ allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO₂ emissions for the control period from the unit, as determined in accordance with NYCRR 238-8.

Each ton of sulfur dioxide emitted in excess of the SO₂ budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

An SO₂ budget unit shall be subject to the requirements under NYCRR 1.6 (c)(1) on the date on which the unit commences operation.

SO₂ allowances shall be held in, deducted from, or transferred among SO₂ Allowance Tracking System accounts in accordance with NYCRR 238-5, 238-6, and 238-7.

Except for future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), an SO₂ allowance shall not be deducted, in order to comply with the requirements under NYCRR 238-1.6(c)(1) for a control period in a year prior to the year for which the SO₂ allowance was allocated.

An SO₂ allowance allocated by the department under the ADR SO₂ budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program. No provision of the ADR SO₂ Budget Trading Program, the SO₂ budget permit application, or the SO₂ budget permit or any provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.



An SO₂ allowance allocated by the department under the ADR SO₂ Budget Trading Program does not constitute a property right.

The owners and operators of an SO₂ budget unit that has excess emissions in any control period shall: Forfeit the SO₂ allowances required for deduction under NYCRR 238-6.5(d)(1); and Pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 238-6.5(d)(3).

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2008.
Subsequent reports are due every 12 calendar month(s).

Condition 76: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 76.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 76.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Unless otherwise provided, the owners and operators of the SO₂ budget source and each SO₂ budget unit at the source shall keep on site or at a site approved by the Department each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the department.

The account certificate of representation for the SO₂ authorized account representative for the source and each SO₂ budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 238-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the SO₂ authorized account representative;

All emissions monitoring information, in accordance with NYCRR 238-8;



Copies of all reports, compliance certifications, and other submissions and all records made or required under the ADR SO2 Budget Trading Program;

Copies of all documents used to complete an SO2 budget permit application and any other submission under the ADR SO2 Budget Trading Program or to demonstrate compliance with the requirements of the ADR SO2 Budget Trading Program;

The SO2 authorized account representative of an SO2 budget source and each SO2 budget unit at the source shall submit the reports and compliance certifications required under the ADR SO2 Budget Trading Program, including those under NYCRR 238-4, or 238-8.

Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2008.
Subsequent reports are due every 12 calendar month(s).

Condition 77: Liability
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 77.1:

No permit revision shall excuse any violation of the requirements of the ADR SO2 Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget source (including a provision applicable to the SO2 authorized account representative of an SO2 budget source) shall also apply to the owners and operators of such source and of the SO2 budget units at the source;

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget unit (including a provision applicable to the SO2 authorized account representative of an SO2 budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 238-8, the owners and operators and the SO2 authorized account representative of one SO2 budget unit shall not be liable for any violation by any other SO2 budget unit of which they are not owners or operators or the SO2 authorized account representative and that is located at a source of which they are not owners or operators or the SO2 authorized account representative.

Condition 78: Effect on Other Authorities
Effective between the dates of 11/30/2007 and 11/29/2012

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

Item 78.1:

No provision of the ADR SO2 Budget Trading Program, an SO2 budget permit application, or an SO2 budget permit, shall be construed as exempting or excluding the owners and operators



- (1) identification of each SO₂ budget unit;
- (2) except in instances when the SO₂ budget unit seeks to use future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), at the SO₂ authorized account representative's option, the serial numbers of the SO₂ allowances that are to be deducted from each unit's compliance account under NYCRR 238-6.5 for the control period;
- (3) at the SO₂ authorized account representative's option, for units sharing a common stack and having SO₂ emissions that are not monitored separately or apportioned in accordance with NYCRR 238-8, the percentage of SO₂ allowances that is to be deducted from each unit's compliance account under NYCRR 238-6.5(e);
- (4) for units using future control period allowances for compliance purposes pursuant to NYCRR 238-6.5(f), the statement of intent and report required under NYCRR 238-6.5(f)(2); and
- (5) the compliance certification under NYCRR 238-4.1(c).

In the compliance certification report, the SO₂ authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the SO₂ budget units at the source in compliance with the ADR SO₂ Budget Trading Program, whether each SO₂ budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the ADR SO₂ Budget Trading Program applicable to the unit, including:

- (a) whether the unit was operated in compliance with the SO₂ budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO₂ emissions to the unit, in accordance with Subpart 238-8;
- (c) whether all the SO₂ emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 238-8.



If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(d) whether the facts that form the basis for certification under Subpart 238-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 238-8, if any, has changed; and

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by March 1st

Condition 81: Submission of SO₂ allowance transfers
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR 238-7.1

Item 81.1:

The SO₂ authorized account representatives seeking recordation of an SO₂ allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO₂ allowance transfer shall include the following elements in a format specified by the department or its agent:

(a) the numbers identifying both the transferor and transferee accounts;

(b) a specification by serial number of each SO₂ allowance to be transferred; and

(c) the printed name and signature of the SO₂ authorized account representative of the transferor account and the date signed.

Condition 82: Monitoring and Reporting requirements
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 238-8

Item 82.1: The owners and operators, and to the extent applicable, the SO₂ authorized account representative of an SO₂ budget unit, shall comply with the monitoring and reporting



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

**Condition 1-20: CO₂ Budget Trading Program - Excess emission requirements
Effective between the dates of 12/07/2009 and 11/29/2012**

Applicable State Requirement:6 NYCRR 242-1.5

Item 1-20.1:

The owners and operators of a CO₂ budget source that has excess emissions in any control period shall:

- (1) forfeit the CO₂ allowances required for deduction under 6 NYCRR Part 242-6.5(d)(1), provided CO₂ offset allowances may not be used to cover any part of such excess emissions; and
- (2) pay any fine, penalty, or assessment or comply with any other remedy imposed under 6 NYCRR Part 242-6.5(d)(2).

**Condition 1-21: Compliance Demonstration
Effective between the dates of 12/07/2009 and 11/29/2012**

Applicable State Requirement:6 NYCRR 242-1.5

Item 1-21.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators and, to the extent applicable, the CO₂ authorized account representative of each CO₂ budget source and each CO₂ budget unit at the source shall comply with the monitoring requirements of Subpart 242-8. The emissions measurements recorded and reported in accordance with Subpart 242-8 of this Part shall be used to determine compliance by the unit with the following CO₂ requirements:

- (1) The owners and operators of each CO₂ budget source and each CO₂ budget unit at the source shall hold CO₂ allowances available for compliance deductions under Section 242-6.5, as of the CO₂ allowance transfer deadline, in the source's compliance account in an amount not less than the total CO₂ emissions for the control period from all CO₂ budget units at the source, as determined in accordance with Subparts 242-6 and 242-8.

- (2) Each ton of CO₂ emitted in excess of the CO₂ budget



emissions limitation shall constitute a separate violation of this Part and applicable state law.

(3) A CO2 budget unit shall be subject to the requirements specified in item 1 starting on the later, of January 1, 2009 or the date on which the unit commences operation.

(4) CO2 allowances shall be held in, deducted from, or transferred among CO2 Allowance Tracking System accounts in accordance with Subparts 242-5, 242-6, and 242-7, and Section 242-10.7.

(5) A CO2 allowance shall not be deducted, in order to comply with the requirements specified in item 1, for a control period that ends prior to the allocation year for which the CO2 allowance was allocated. A CO2 offset allowance shall not be deducted, in order to comply with the requirements under item 1, beyond the applicable percent limitations set out in 6NYCRR Part 242-6.5(a)(3).

(6) A CO2 allowance under the CO2 Budget Trading Program is a limited authorization by the Department or a participating state to emit one ton of CO2 in accordance with the CO2 Budget Trading Program. No provision of the CO2 Budget Trading Program, the CO2 budget permit application, or the CO2 budget permit or any provision of law shall be construed to limit the authority of the Department or a participating state to terminate or limit such authorization.

(7) A CO2 allowance under the CO2 Budget Trading Program does not constitute a property right.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2010.

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

Condition 1-22: Compliance Demonstration
Effective between the dates of 12/07/2009 and 11/29/2012

Applicable State Requirement:6 NYCRR 242-1.5

Item 1-22.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-22.2:

Compliance Demonstration shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of the CO2 budget source and each CO2 budget unit at the source shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the department.

(i) The account certificate of representation for the CO2 authorized account representative for the source and each CO2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 6 NYCRR Part 242-2.4, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation.

(ii) All emissions monitoring information, in accordance with Subpart 242-8 and 40 CFR 75.57.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CO2 Budget Trading Program.

(iv) Copies of all documents used to complete a CO2 budget permit application and any other submission under the CO2 Budget Trading Program or to demonstrate compliance with the requirements of the CO2 Budget Trading Program.

The CO2 authorized account representative of a CO2 budget source and each CO2 budget unit at the source shall submit the reports and compliance certifications required under the CO2 Budget Trading Program, including those under Subpart 242-4.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2010.

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

**** Emission Unit Level ****

Condition 83: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012



Applicable State Requirement:6 NYCRR Subpart 201-5

Item 83.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 83.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility shall install, calibrate, maintain and operate a continuous emission monitor for oxides of nitrogen. This limit shall apply only during periods of shutdown, not to exceed 20 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All records shall be maintained by the applicant at their facility for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 4 pounds

Reference Test Method: None

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

**Condition 84: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012**

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 84.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 84.2:

Compliance Demonstration shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain and operate a continuous emissions monitor for oxides of nitrogen. This limit shall apply only during periods of start-up, not to exceed 30 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All records shall be maintained by the applicant at their facility for minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 20 pounds

Reference Test Method: None

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

Condition 85: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 85.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 85.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility shall install, calibrate, maintain, and operate a continuous emission monitor for oxides of nitrogen. The 5.7 pounds per hour limit shall apply during steady state operations where the turbine operates for the full 60 minutes of the hour. The following shall apply during steady state partial hours (less than the full 60 minutes) of operation:

Time Period (minutes) NOx Mass Limit (pounds)

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



1 -15
2.85

16-30
3.5

31-45
4.35

46-59
5.7

Emissions in excess of the steady state limits for full 60 minute hours and steady state partial hours shall be reported quarterly through the facility's excess emissions report. All records shall be maintained by the applicant at their facility for a minimum of five years.

The facility must complete the necessary reprogramming of the Continuous Emissions Monitoring System within 90 days of the issuance of the Title V permit.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 5.7 pounds per hour
Reference Test Method: 40 CFR 75
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 86: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 86.1:
The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 86.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

The facility shall install, calibrate, maintain and



operate a continuous 40 CFR Part 75 emissions monitor for measuring and recording oxides of nitrogen. The facility shall also install either a continuous monitor for oxygen or carbon dioxide. All records shall be maintained by the applicant at their facility for a minimum of five years.

The 2.5 ppmvd limit shall be applicable during periods of steady state operation where the facility operates 16 or more minutes consecutively in one clock hour. When a facility operates in steady state less than 16 minutes (consecutively in one clock hour, and excluding start-up or shutdown) the 2.5 ppmvd limit does not apply, but a mass emission limit of 5.7 pounds applies. Emissions in excess of either the 2.5 ppmvd limit or 5.7 pound limit shall be reported quarterly through the facility's excess emission report.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 2.5 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: 40 CFR 75
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 87: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement: 6 NYCRR Subpart 201-5

Item 87.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):
CAS No: 000630-08-0 CARBON MONOXIDE

Item 87.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The permittee shall install, calibrate, maintain, and operate a continuous emissions monitor for the measurement of carbon monoxide. The permittee shall maintain records of carbon monoxide measurements, at the facility, for a

New York State Department of Environmental Conservation

Permit ID: 2-6308-00513/00012

Facility DEC ID: 2630800513



period of no less than five years.

Manufacturer Name/Model Number: CO Monitor
Parameter Monitored: CARBON MONOXIDE
Upper Permit Limit: 44 tons per year
Reference Test Method: Method 10
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 88: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement: 6 NYCRR Subpart 201-5

Item 88.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 003

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 88.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

The facility shall install, calibrate, maintain and operate a continuous emissions monitor for oxides of nitrogen. The limit shall apply only during periods of shutdown, not to exceed 20 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All records shall be maintained by the applicant at their facility for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 2 pounds
Reference Test Method: None
Monitoring Frequency: CONTINUOUS
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2008.
Subsequent reports are due every 3 calendar month(s).



Condition 89: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 89.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 003

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 89.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain, and operate a continuous 40 CFR 75 emissions monitor for measuring and recording oxides of nitrogen. The facility shall also install either a continuous monitor for oxygen or carbon dioxide. All records shall be maintained by the applicant at their facility for a minimum of five years.

The 6.0 ppmvd limit shall be applicable during periods of steady state operation where the facility operates 16 or more minutes consecutively in one clock hour. When a facility operates in steady state less than 16 minutes (consecutively in one clock hour, and excluding start-up or shutdown) the 6.0 ppmvd limit does not apply, but a mass emission limit of 13.9 pounds applies. Emissions in excess of either the 6.0 ppmvd limit or the 13.9 pounds limit shall be reported quarterly through the facility's excess emissions report.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 6.0 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: 40 CFR 75
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 90: Compliance Demonstration



Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement:6 NYCRR Subpart 201-5

Item 90.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 003

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 90.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain and operate a continuous emissions monitor for oxides of nitrogen. The 13.9 pounds per hour limit shall apply during steady state operations where the turbine operates for the full 60 minutes of the hour. The following limits shall apply during steady state partial hours (less than the full 60 minutes) of operation:

| Time Period (minutes) (pounds) | NOx Mass Limit |
|-----------------------------------|----------------|
| 1 - 15 6.95 | |
| 16 - 30 8.5 | |
| 31 - 45 11.0 | |
| 46 - 59 13.9 | |

Emissions in excess of the steady state limits for full 60 minute hours and steady state partial hours shall be reported quarterly through the facility's excess emissions report. All records shall be maintained by the applicant at their facility for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 13.9 pounds
Reference Test Method: 40 CFR 75
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 1/30/2008.
Subsequent reports are due every 3 calendar month(s).

Condition 91: Compliance Demonstration
Effective between the dates of 11/30/2007 and 11/29/2012

Applicable State Requirement: 6 NYCRR Subpart 201-5

Item 91.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002
Process: 003

Regulated Contaminant(s):
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

Item 91.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This facility shall install, calibrate, maintain and operate a continuous emissions monitor for oxides of nitrogen. This limit shall apply only during periods of start-up, 30 minutes per occurrence. Emissions in excess of this limit shall be reported quarterly through the facility's excess emissions report. All reports shall be maintained by the applicant at their facility for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 40 pounds

Reference Test Method: None

Monitoring Frequency: CONTINUOUS

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER OCCURRENCE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2008.

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

