

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 2640300014**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 2-6403-00014/00031  
Effective Date: 06/24/2002 Expiration Date: 06/23/2007

Permit Issued To: ARTHUR KILL POWER LLC  
4401 VICTORY BOULEVARD  
STATEN ISLAND, NY 10314

Contact: THOMAS BISHOP  
NRG ARTHUR KILL GENERATION INC  
4401 VICTORY BOULEVARD  
STATEN ISLAND, NY 10314  
(718) 390-2775

Facility: ARTHUR KILL GENERATING STATION  
4401 VICTORY BLVD  
STATEN ISLAND, NY 10314

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

**Description:**

This is a Title V permit for an existing electric generating facility located on Staten Island, N.Y. Air emission sources at the facility consist of two (2) Very Large Boilers, rated at 3717 MMBtu/hr and 5502 MMBtu/hr, one (1) Mid-size Boiler, rated at 65 MMBtu/hr, and one (1) combustion turbine, rated at 235 MMBtu/hr. The Very Large Boilers combust residual oil and Natural gas; the Mid-size Boiler combusts only Natural gas; and, the combustion turbine combusts both distillate oil and Natural gas. The facility's emissions exceed the major source pollutant thresholds listed in 6NYCRR Subpart 201-6 and, as such, the facility is subject to the provisions of Title V. The facility's emissions of nitrogen oxide are averaged with other facilities owned by NRG Energy Inc., according to a system-wide averaging plan approved by the Department, to verify compliance with the provisions of 6NYCRR Subpart 227-2.



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

Permit Administrator:            JOHN F CRYAN  
   ONE HUNTERS POINT PLAZA  
   47-40 21ST STREET  
   LONG ISLAND CITY, NY 11101-5407

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



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 2

HEADQUARTERS



**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

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

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

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

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

**Item 2.1:**

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

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

**Item 3.1:**

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

**Item 3.2:**

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

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

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**Item 4.1:**

The Department reserves the right to modify, suspend, or revoke this permit. The grounds for modification, suspension or revocation include:

- a) the scope of the permitted activity is exceeded or a violation of any condition of the permit or provisions of the ECL and pertinent regulations is found;
- b) the permit was obtained by misrepresentation or failure to disclose relevant facts;
- c) new material information is discovered; or
- d) environmental conditions, relevant technology, or applicable law or regulation have materially changed since the permit was issued.

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

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

**Item 5.1:**

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

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



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

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

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**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 1 Sealing
- 2 Acceptable ambient air quality
- 3 Maintenance of equipment
- 4 Unpermitted Emission Sources
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- 7 Prohibition of Reintroduction of Collected Contaminants to the Air
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- 9 Proof of Eligibility
- 10 Proof of Eligibility
- 11 Applicable Criteria, Limits, Terms, Conditions and Standards
- 12 Cessation or Reduction of Permitted Activity Not a Defense
- 13 Compliance Requirements
- 14 Federally-Enforceable Requirements
- 15 Fees
- 16 Monitoring, Related Recordkeeping and Reporting Requirements
- 17 Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements
- 18 Permit Shield
- 19 Property Rights
- 20 Reopening for Cause
- 21 Right to Inspect
- 22 Severability
- 23 Emission Unit Definition
- 24 Compliance Certification
- 25 Compliance Certification
- 26 Permit Exclusion Provisions
- 27 Non Applicable requirements
- 28 Required emissions tests
- 29 Compliance Certification
- 30 Recordkeeping requirements
- 31 Submittal of Episode Action Plans
- 32 Visible emissions limited.
- 33 Open Fires Prohibited at Industrial and Commercial Sites
- 34 Compliance Certification
- 35 Compliance Certification
- 36 Compliance Certification
- 37 Compliance Certification
- 38 This condition states the facility is applicable to NO<sub>x</sub> RACT.
- 39 Compliance Certification
- 40 Authorized Account Representatives (AARs)



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- 41 General provisions for emissions monitoring.
- 42 Facility Subject to Title IV Acid Rain Regulations and Permitting
- 43 Recycling and Emissions Reduction

**Emission Unit Level**

- 44 Emission Point Definition By Emission Unit
- 45 Process Definition By Emission Unit
- 46 Permits requirements.
- 47 Submissions to the Department.
- 48 Content of reports and compliance certifications.
- 49 Discretionary report contents.
- 50 Compliance Certification (EU=A-K0001)
- 51 Submission of NOx allowance transfers.
- 52 General provisions.
- 53 Prohibitions.
- 54 Requirements for recertification of monitoring systems.
- 55 Compliance Certification (EU=A-K0001)
- 56 Out of control periods.
- 57 Compliance Certification (EU=A-K0001)
- 58 Compliance Certification (EU=A-K0001)
- 59 Compliance Certification (EU=A-K0001)
- 60 Compliance Certification (EU=A-K0001)
- 61 Compliance Certification (EU=A-K0001)
- 62 Compliance Certification (EU=A-K0001)
- 63 Compliance Certification (EU=A-K0001)
- 64 Testing, monitoring, and reporting requirements for very large boilers.
- 65 Compliance Certification (EU=A-K0001,EP=00002)
- 66 Compliance Certification (EU=A-K0003)
- 67 Recordkeeping and reporting.
- 68 This is the optional condition for gas or distillate fired midsized boilers. If they opt not to use this method then 227-2.4(c)(2) applies.
- 69 Permits requirements.
- 70 Submissions to the Department.
- 71 Content of reports and compliance certifications.
- 72 Discretionary report contents.
- 73 Compliance Certification (EU=A-K0005)
- 74 Submission of NOx allowance transfers.
- 75 General provisions.
- 76 Prohibitions.
- 77 Requirements for recertification of monitoring systems.
- 78 Compliance Certification (EU=A-K0005)
- 79 Out of control periods.
- 80 Compliance Certification (EU=A-K0005)
- 81 Compliance Certification (EU=A-K0005)
- 82 Compliance Certification (EU=A-K0005)
- 83 Compliance Certification (EU=A-K0005)
- 84 Compliance Certification (EU=A-K0005)



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- 85 Compliance Certification (EU=A-K0005)
- 86 Compliance Certification (EU=A-K0005)
- 87 Compliance Certification (EU=A-K0005)
- 88 Compliance Certification (EU=A-K0005,EP=GT001)
- 89 Compliance Certification (EU=A-K0013,EP=EG001)
- 90 Compliance Certification (EU=A-K0013,EP=EG002)

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 91 Unavoidable noncompliance and violations
- 92 General Provisions
- 93 Permit Exclusion Provisions
- 94 Contaminant List
- 95 Air pollution prohibited

Authorized Activity By Standard Industrial Classification Code:

4911 - ELECTRIC SERVICES

Permit Effective Date: 06/24/2002

Permit Expiration Date: 06/23/2007



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**FEDERALLY ENFORCEABLE CONDITIONS**

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

**Condition 1: Sealing**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 200.5**

**Item 1.1:**

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

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

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

**Condition 2: Acceptable ambient air quality**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 2.1:**

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 3: Maintenance of equipment**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 3.1:**

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



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**Condition 4: Unpermitted Emission Sources**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 201-1.2**

**Item 4.1:**

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

**Condition 5: Emergency Defense**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 201-1.5**

**Item 5.1:**

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.

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**Condition 6: Recycling and Salvage**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 201-1.7**

**Item 6.1:**

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 6 NYCRR.

**Condition 7: Prohibition of Reintroduction of Collected Contaminants to the Air**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 201-1.8**

**Item 7.1:**

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 8: Public Access to Recordkeeping for Title V facilities**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 201-1.10(b)**

**Item 8.1:**

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

**Condition 9: Proof of Eligibility**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 9.1:**

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 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Condition 10: Proof of Eligibility**  
**Effective between the dates of 06/24/2002 and 06/23/2007**



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

**Item 10.1:**

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

**Condition 11: Applicable Criteria, Limits, Terms, Conditions and Standards**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 11.1:**

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

- i. Any reporting requirements and operations under an accidental release plan, response plan, and compliance plan as approved as of the date of the permit issuance, or
- ii. Any support documents submitted as a part of the permit application for this facility as accepted and approved as of the date of permit issuance.

Any noncompliance with the federally-enforceable portions of this permit constitutes a violation of the federal Clean Air Act and will be grounds for enforcement action, for permit termination, revocation and reissuance, or modification, or for denial of a permit renewal application.

**Item 11.2:**

Any document, including reports, required by the federally-enforceable portions of this permit shall contain a certification by the responsible official for this facility as set forth in Section 201-6.3 that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate and complete.

**Condition 12: Cessation or Reduction of Permitted Activity Not a Defense**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 12.1:**

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.



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**Condition 13: Compliance Requirements**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 13.1:**

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 the responsible official, consistent with Section 201-6.3 of Part 201.

**Item 13.2:**

The permittee shall comply with the approved compliance schedule for this permit if such a schedule is a part of this permit. Risk management plans must be submitted to the Administrator if required by Section 112(r) of the Clean Air Act for this facility.

**Item 13.3:**

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

- ari. 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 14: Federally-Enforceable Requirements**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 14.1:**



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

**Condition 15: Fees**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 15.1:**

The permittee shall pay the required fees associated with this permit.

**Condition 16: Monitoring, Related Recordkeeping and Reporting Requirements**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 16.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements. Records of all monitoring data and support information shall be retained for a period of at least 5 years from the date of the monitoring sample, 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 17: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 17.1:**

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 relieve the permittee from the requirement to comply with any condition contained in this permit.

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



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**Condition 18: Permit Shield**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 18.1:**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield. For those facilities for which a permit shield has been granted, 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.

**Condition 19: Property Rights**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 19.1:**

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

**Condition 20: Reopening for Cause**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 20.1:**

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



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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.

**Item 20.2:**

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.

**Item 20.3:**

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.

**Condition 21: Right to Inspect**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 21.1:**

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

i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

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

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

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

**Condition 22: Severability**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 22.1:**

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.

**Condition 23: Emission Unit Definition**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 23.1:**

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

Emission Unit: A-K0001

Emission Unit Description:

Very large boilers 20 and 30. Boiler 20 is face fired and  
Boiler 30 is tangentially fired.

Building(s): BOILERHS

**Item 23.2:**

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

Emission Unit: A-K0003

Emission Unit Description:

One house boiler rated at 65 MMBtu/hr. This boiler  
combusts natural gas and is equipped with a flue gas  
recirculation system.

Building(s): BOILERRM

**Item 23.3:**

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

Emission Unit: A-K0005

Emission Unit Description:

One combustion turbine rated at 235 MMBtu/hr which can  
combust distillate or natural gas. The combustion turbine  
is equipped with a diesel starter engine.

Building(s): GTFAC

**Item 23.4:**

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

Emission Unit: A-K0013

Emission Unit Description:

Emission unit consists of two emergency diesel-fired  
generators. They are added to accommodate placing a  
condition in the permit to address an archival particulate



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limit of 0.10 lbs/MMBtu on each unit, found in a previous version of the Part 227 regulation (5/1/72 - SIP approved 9/22/72). The generators are housed in the Turbine Room. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Building(s): TURBINERM

**Condition 24: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**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:

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

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

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

n0 (1) For emissions of a hazardous air pollutant or a toxic air pollutant (as identified in an applicable

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

If the permittee seeks to have a violation excused as provided in 201-1.4, the permittee shall report such violations as required under 201-1.4(b). However, in no case may reports of any deviation be on a less frequent basis than those described in paragraphs (1) through (4) above. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns,

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malfunctions or upsets.

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/02.

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

**Condition 25: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 25.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance certifications shall contain the following information:

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- 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.

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.

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

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

The address for the RAPCE is as follows:

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

The address for the BCME is as follows:

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

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

**Condition 26: Permit Exclusion Provisions**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 26.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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), and particularly any such enforcement action as may be authorized pursuant to 6 NYCRR 201-1.2 and 6 NYCRR 201-6.5(g).

The issuance of this permit by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 27: Non Applicable requirements**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

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**Item 27.1:**

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

**Condition 28: Required emissions tests**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 202-1.1**

**Item 28.1:**

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

**Condition 29: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 29.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 29.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

**Condition 30: Recordkeeping requirements**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 30.1:**

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



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- (1) a copy of each emission statement submitted to the department; and
  - (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.
- (b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 31: Submittal of Episode Action Plans**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 207.**

**Item 31.1:**

An episode action plan must be submitted for approval by the Department in accordance with the requirements of 6NYCRR Part 207. The plan shall contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

**Condition 32: Visible emissions limited.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 32.1:**

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 33: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 215.**

**Item 33.1:**

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

**Condition 34: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 34.1:**

The Compliance Certification activity will be performed for the Facility.

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**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any distillate oil which has 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: 0.20 percent by weight

Reference Test Method: ASTM Method D4294

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: MONTHLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/02.

Subsequent reports are due every 1 calendar month(s).

**Condition 35: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 35.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall sell, offer for sale, purchase or use any residual oil which has 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: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT



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Upper Permit Limit: 0.30 percent by weight  
Reference Test Method: ASTM Method D4294  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: MONTHLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/02.  
Subsequent reports are due every 1 calendar month(s).

**Condition 36: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 225-1.7(c)**

**Item 36.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Measurements must be made daily of the rate of each fuel burned. Also, for each fuel shipment, the facility must measure the gross heat content, ash content, and sulfur content. The average daily electrical output and hourly generation rate must be recorded. Quarterly reports of exceedances must be filed with the Department. All records must be retained by the source owner for a period of three years.

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 37: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 37.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 37.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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**Monitoring Description:**

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

**Monitoring Frequency:** AS REQUIRED - SEE MONITORING DESCRIPTION

**Reporting Requirements:** MONTHLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/02.

Subsequent reports are due every 1 calendar month(s).

**Condition 38: This condition states the facility is applicable to NOx RACT.  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 38.1:**

This facility is subject to NOx RACT.

**Condition 39: Compliance Certification  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Regulated Contaminant(s):**

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

**Item 39.2:**

Compliance Certification shall include the following monitoring:

**Monitoring Type:** RECORD KEEPING/MAINTENANCE PROCEDURES

**Monitoring Description:**

NRG Energy Inc.'s system-wide averaging of NOx emissions from its facilities in New York State, including the Arthur Kill Generation Station, must be performed in accordance with the most current version of the NOx RACT System-wide Compliance Plan (the "Plan"), submitted by NRG Energy Inc., and approved by the Department. Records will



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be kept in accordance with the Plan and compliance will be demonstrated on a 24 hour basis during the Ozone season and on a 30 day rolling average for the rest of the year. The "Plan" is attached to this permit and constitutes an enforceable part of the permit.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/02.

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

**Condition 40: Authorized Account Representatives (AARs)**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.12**

**Item 40.1:** Each budget source must designate an AAR, and may designate an alternate AAR, for each compliance account and compliance overdraft account.

**Condition 41: General provisions for emissions monitoring.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.13**

**Item 41.1:** The owner and/or operator of each budget source subject to this Subpart must comply with the following requirements, as applicable:

(1) NO<sub>x</sub> mass emissions from each budget source shall be monitored as specified in both this Section and the Guidance Document, (The January 28, 1997 document issued by the Ozone Transport Commission titled "Guidance for Implementation of Emission Monitoring Requirements for the NO<sub>x</sub> Budget Program" as well as attendant and incorporated documents including the July 3, 1997 document issued by the OTC titled "NO<sub>x</sub> Budget Program Monitoring Certification and Reporting Requirements" and the July 3, 1997 document issued by the Administrator titled "Electronic Data Reporting, Acid Rain Program/NO<sub>x</sub> Budget Program."

(2) A monitoring plan for each existing budget source must be submitted to the Department in accordance with the procedures, but not the deadlines, outlined in the Guidance Document. The monitoring plan must be submitted within 30 days of the effective date of this Subpart.



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(3) Emissions monitoring systems required by this Section shall be installed, operational and meet all of the certification testing requirements in accordance with the procedures outlined in the Guidance Document by May 1, 1999 or the first hour that the budget source is operating during a control period.

(4) Monitoring systems are subject to initial performance testing and periodic calibration, accuracy testing and quality assurance/quality control testing as specified in the Guidance Document.

(5) During a period when valid data are not being recorded by monitoring devices approved for use to demonstrate compliance with this Subpart, missing or invalid data shall be replaced with representative default data in accordance with the provisions of 40 CFR Part 75 and the Guidance Document.

(6) NOx emissions data shall be reported to the NETS in accordance with provisions of Section 227-3.15.

(7) Budget sources that commence operation during the allocation period shall begin reporting data in the first hour that the budget source is operating during a control period.

**Condition 42: Facility Subject to Title IV Acid Rain Regulations and Permitting**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 40CFR 72.**

**Item 42.1:** 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.

**Condition 43: Recycling and Emissions Reduction**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 43.1:**

The permittee shall comply with the standards for recycling and emissions reduction pursuant to 40 CFR Part 82, Subpart F, except as provided for MVAC's in Subpart B:

- a. Persons opening appliances for maintenance, service, repair, or disposal must comply with the required practices pursuant to 40 CFR Part 82.156.
- b. Equipment used during the maintenance, service, repair, or disposal of appliances must comply with the standards for recycling and recovery equipment pursuant to 40 CFR Part 82.158.
- c. Persons performing maintenance, service, repair, or disposal of appliances must be certified by an approved technician certification program pursuant to 40 CFR Part 82.161.
- d. Persons disposing of small appliances, MVAC's, and MVAC-like appliances must comply with recordkeeping requirements pursuant to 40 CFR Part 82.166. ("MVAC-like appliance as defined at 40 CFR Part 82.152)

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e. Persons owning commercial or industrial process refrigeration equipment must comply with the leak repair requirements pursuant to 40 CFR Part 82.156.

f. Owners/operators of appliances normally containing 50 or more pounds of refrigerant must keep records of refrigerant purchased and added to such appliances pursuant to 40 CFR Part 82.166.

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

**Condition 44: Emission Point Definition By Emission Unit**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 44.1:**

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

Emission Unit: A-K0001

Emission Point: 00002

Height (ft.): 502

Diameter (in.): 232

Building: BOILERHS

**Item 44.2:**

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

Emission Unit: A-K0003

Emission Point: 00003

Height (ft.): 42

Diameter (in.): 36

Building: BOILERRM

**Item 44.3:**

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

Emission Unit: A-K0005

Emission Point: GT001

Height (ft.): 47

Length (in.): 120

Width (in.): 252

Building: GTFAC

**Item 44.4:**

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

Emission Unit: A-K0013

Emission Point: EG001



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Height (ft.): 20

Diameter (in.): 8

Building: BOILERHS

Emission Point: EG002

Height (ft.): 14

Diameter (in.): 12

Building: BOILERHS

**Condition 45: Process Definition By Emission Unit  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 45.1:**

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

Emission Unit: A-K0001

Process: NG1

Source Classification Code: 1-01-006-01

Process Description:

This process includes one face fired boiler (Boiler 20).  
This boiler is rated at 3717 MMBtu/hr. This process  
covers the combustion of natural gas in this boiler.

Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

**Item 45.2:**

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

Emission Unit: A-K0001

Process: NG2

Source Classification Code: 1-01-006-04

Process Description:

This process includes one tangentially fired boiler  
(Boiler 30). This boiler is rated at 5502 MMBtu/hr. This  
process covers the combustion of natural gas in this  
boiler.

Emission Source/Control: 00030 - Combustion

Design Capacity: 5,502 million Btu per hour

**Item 45.3:**

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

Emission Unit: A-K0001

Process: RO1

Source Classification Code: 1-01-004-01

Process Description:

This process includes one face fired boiler (Boiler 20).  
This boiler is rated at 3717 MMBtu/hr. This process  
covers the combustion of residual oil in this boiler.



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Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

**Item 45.4:**

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

Emission Unit: A-K0001

Process: RO2

Source Classification Code: 1-01-004-04

Process Description:

This process includes one tangentially fired boiler (Boiler 30). This boiler is rated at 5502 MMBtu/hr. This process covers the combustion of residual oil in this boiler.

Emission Source/Control: 00030 - Combustion

Design Capacity: 5,502 million Btu per hour

**Item 45.5:**

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

Emission Unit: A-K0003

Process: NG3

Source Classification Code: 1-01-006-02

Process Description:

This process includes one House Boiler rated at 65 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Emission Source/Control: 00040 - Combustion

Design Capacity: 65 million Btu per hour

Emission Source/Control: FG040 - Control

Control Type: FLUE GAS RECIRCULATION

**Item 45.6:**

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

Emission Unit: A-K0005

Process: GTD

Source Classification Code: 2-01-001-01

Process Description:

This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of distillate fuel oil.

Emission Source/Control: GT001 - Combustion

Design Capacity: 235 million Btu per hour

**Item 45.7:**



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

Emission Unit: A-K0005

Process: GTN

Source Classification Code: 2-01-002-01

Process Description:

This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of natural gas.

Emission Source/Control: GT001 - Combustion

Design Capacity: 235 million Btu per hour

**Item 45.8:**

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

Emission Unit: A-K0013

Process: EMG

Source Classification Code: 2-01-001-02

Process Description:

This process includes firing distillate oil in the two emergency generators. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Emission Source/Control: 00AK2 - Combustion

Design Capacity: 402 horsepower (electric)

Emission Source/Control: 00AK3 - Combustion

Design Capacity: 805 horsepower (electric)

**Condition 46: Permits requirements.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 46.1:**

This Condition applies to Emission Unit: A-K0001

**Item 46.2:** The NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget unit shall submit to the Department a complete NO<sub>x</sub> Budget permit application (as defined under Section 204-3.3) by May 1, 2002.

**Condition 47: Submissions to the Department.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 47.1:**

This Condition applies to Emission Unit: A-K0001

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**Item 47.2:** Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NOx authorized account representative.

**Condition 48: Content of reports and compliance certifications.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 48.1:**

This Condition applies to Emission Unit: A-K0001

**Item 48.2:** The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

- (1) Identification of each NOx Budget unit; and
- (2) In the compliance certification report the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx Budget Trading Program applicable to the unit, including:
  - (i) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
  - (ii) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with Subpart 204-8;
  - (iii) Whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;
  - (iv) Whether the facts that form the basis for certification under Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 204-8, if any, has changed; and
  - (v) If a change is required to be reported under item (iv) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

**Condition 49: Discretionary report contents.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**



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

**Item 49.1:**

This Condition applies to Emission Unit: A-K0001

**Item 49.2:** At the NOx authorized account representative's option the following may be included in the compliance certification report:

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

**Condition 50: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 50.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 50.2:**

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.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 51: Submission of NOx allowance transfers.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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



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**Item 51.1:**

This Condition applies to Emission Unit: A-K0001

**Item 51.2:** The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:

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

**Condition 52: General provisions.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 52.1:**

This Condition applies to Emission Unit: A-K0001

**Item 52.2:** The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx Budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

**Condition 53: Prohibitions.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 53.1:**

This Condition applies to Emission Unit: A-K0001

**Item 53.2:** No owner or operator of a NOx Budget unit or a non-NOx Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

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



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discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

(4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:

(i) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the Department for use at that unit that provides emission data for the same pollutant or parameter as the discontinued monitoring system; or

(ii) The NO<sub>x</sub> authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

**Condition 54: Requirements for recertification of monitoring systems.  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 54.1:**

This Condition applies to Emission Unit: A-K0001

**Item 54.2:** Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NO<sub>x</sub> mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

**Condition 55: Compliance Certification  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 55.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 55.2:**

Compliance Certification shall include the following monitoring:



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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NOx Budget unit under paragraphs (b)(2) or (b)(3) of this section must determine, record and report NOx mass, heat input (if required for purposes of allocations) and any other values required to determine NOx Mass (e.g. NOx emission rate and heat input or NOx concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 56: Out of control periods.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 56.1:**

This Condition applies to Emission Unit: A-K0001

**Item 56.2:** 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 57: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 57.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 57.2:**

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:

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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 one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office. All Authorized Account Representative changes shall be sent to the NYSDEC central office.

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

The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division  
401 M Street SW (6204J)  
Washington D.C. 20460

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

The address for the BCME is as follows:

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

ACR changes should be sent to the attention of:

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

The address for the RAPCE is as follows:

Hunters Point Plaza



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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 58: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 58.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 58.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> Mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 59: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 59.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this



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standard shall be determined with Continuous Opacity Monitoring System (COMS) data. The owner shall install, operate in accordance with manufacturer's instructions, and properly maintain, a COMS in the stack satisfying the criteria in Appendix B of 40 CFR part 60.

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

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

Manufacturer Name/Model Number: Land 4500 Mark II

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60 APP B

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 60: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**



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**Applicable Federal Requirement: 6NYCRR 227-3.13**

**Item 60.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 60.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Sources subject to 40 CFR Part 75. The owner and/or operator of each budget source subject to 40 CFR Part 75 shall demonstrate compliance with this Subpart by using a certified 40 CFR Part 75 monitoring system and is subject to the following requirements:

Budget sources which have a flow monitor certified under 40 CFR Part 75: NO<sub>x</sub> emissions in lbs/hr shall be determined using a CEMS and the flow monitor and by multiplying together the figures resulting from application of the following two Subparagraphs:

(i) The NO<sub>x</sub> emission rate in lbs/mmBtu determined by using the procedure set forth in 40 CFR Part 75 Appendix F, Section 3.

(ii) The hourly heat input in mmBtu/hr determined by using the procedures set forth in 40 CFR Part 75 Appendix F, Section 5.

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 61: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.15**

**Item 61.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

**Item 61.2:**

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This budget source must submit to the Administrator, in a format which meets the requirements of the Administrator's Electronic Data Reporting convention, information regarding emissions and operations during each calendar quarter of each year in accordance with the procedures specified in the Guidance Document.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/02.

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

**Condition 62: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.16**

**Item 62.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Regulated Contaminant(s):

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

**Item 62.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(a) Each year during the period extending from November 1 through the allowance transfer deadline, December 31, this budget source may request the Administrator to deduct a number of allowances from the budget source's compliance account equal to the current year control period NO<sub>x</sub> emissions from the budget source. The request must include identification of the compliance account from which the deductions should be made. The request may include the serial numbers of the particular allowances to be deducted. If no serial numbers are included, the Administrator will first deduct allowances allocated for the current year control period. If the Administrator



exhausts all allowances allocated for the current year control period, the Administrator will next deduct banked allowances in the compliance account in the order in which they were deposited. The request may only involve allowances placed in the budget source's compliance account; allowances in a compliance overdraft account or general account may not be deducted pursuant to the request.

(b) If, by November 1 of the current year, the total number of allowances in the budget source's compliance account and compliance overdraft account, including allowance transfer requests properly submitted to the Administrator, is less than the current year control period NO<sub>x</sub> emissions from the budget source, the budget source must obtain additional allowances by the allowance transfer deadline so that the total number of allowances in the compliance account and compliance overdraft account, including allowance transfer requests properly submitted to the Administrator by the allowance transfer deadline, at least equals the current year control period NO<sub>x</sub> emissions rounded to the nearest whole ton. The Administrator will not consider for compliance purposes allowances contained in any general account held by the owner and/or operator of the budget source.

(c) If, by the allowance transfer deadline, this budget source either makes no allowance deduction request or makes a request that is insufficient to meet the requirements of Subdivision 227-3.16(a), the Administrator will deduct a number of allowances from the budget source's compliance account and compliance overdraft account that equals the current year control period NO<sub>x</sub> emissions from the budget source. Under this Subdivision, the Administrator will deduct allowances in the following order:

- (1) Current year allowances from the compliance account in the order in which they were deposited.
- (2) Banked allowances in the compliance account in the order in which they were deposited.
- (3) Current year allowances from the compliance overdraft account in the order in which they were deposited.
- (4) Banked allowances from the compliance overdraft account in the order in which they were deposited.

(d) Any banked allowances deducted pursuant to this Section shall be deducted in accordance with the provisions of Section 227-3.9.

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Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 63: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.17**

**Item 63.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Regulated Contaminant(s):

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

**Item 63.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- (a) By December 31 of each year, this budget source must submit a compliance certification to the Department relating to the budget source's activities during the current year.
- (b) The compliance certification shall contain, at a minimum:
  - (1) identification of the budget source, including address of the budget source, name and address of the owner and/or operator, account numbers of the relevant compliance account and compliance overdraft account and the name of the AAR;
  - (2) a statement indicating whether NO<sub>x</sub> emissions data have been reported to the NETS in accordance with the procedures set forth in Section 227-3.15 and any additional procedures established by the Administrator;
  - (3) a statement indicating whether the budget source has a number of allowances in its compliance account or compliance overdraft account equal to or greater than the budget source's NO<sub>x</sub> emissions for the current year control period;
  - (4) a statement indicating whether the monitoring data reflected the actual operation of the budget source;
  - (5) a statement indicating whether all NO<sub>x</sub> emissions from

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the budget source were accounted for, either through the relevant monitoring or application of the appropriate missing data procedures; and  
(6) a statement indicating whether there were any changes in the method of operation of the budget source or the method of monitoring the budget source during the current year.

(c) The Department may verify compliance by whatever means necessary, including, but not limited to, the following:

- (1) inspection of budget source operating records;
- (2) examining information contained in the NATS (NOx Allowance Tracking System) regarding allowance deductions and transfers for the budget source;
- (3) examining information contained in the NETS (NOx Emission Tracking System) regarding NOx emissions from the budget source;
- (4) testing emission monitoring devices; and,
- (5) testing conducted pursuant to 6 NYCRR Part 202.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 64: Testing, monitoring, and reporting requirements for very large boilers.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-2.6(a)(1)**

**Item 64.1:**

This Condition applies to Emission Unit: A-K0001 Emission Point: 00002

**Item 64.2:**

The owner/operator shall measure NOx emissions with a continuous emissions monitoring system (CEMS) as described in 6NYCRR 227-2.6(b).

**Condition 65: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 65.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001 Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

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**Item 65.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/02.

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

**Condition 66: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 66.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0003

Regulated Contaminant(s):

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

**Item 66.2:**

Compliance Certification shall include the following monitoring:



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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner/operator of the mid-size boiler, Emission Source 00040, must perform a stack test to determine the emission of oxides of nitrogen from the boiler. All stack test procedures must comply with the provisions of 6NYCRR 227-2.6(c).

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 67: Recordkeeping and reporting.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 40CFR 60.48c, NSPS Subpart Dc**

**Item 67.1:**

This Condition applies to Emission Unit: A-K0003

**Item 67.2:**

The facility shall maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

**Condition 68: This is the optional condition for gas or distillate fired midsized boilers. If they opt not to use this method then 227-2.4(c)(2) applies.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-2.4(c)(1)(i)**

**Item 68.1:**

This Condition applies to Emission Unit: A-K0003

Process: NG3

Emission Source: 00040

**Item 68.2:**

Boilers firing natural gas and/or distillate oil shall utilize low NOx Burners.

**Condition 69: Permits requirements.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 69.1:**

This Condition applies to Emission Unit: A-K0005

**Item 69.2:** The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1,

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2002.

**Condition 70: Submissions to the Department.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 70.1:**

This Condition applies to Emission Unit: A-K0005

**Item 70.2:** Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NOx authorized account representative.

**Condition 71: Content of reports and compliance certifications.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 71.1:**

This Condition applies to Emission Unit: A-K0005

**Item 71.2:** The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

- (1) Identification of each NOx Budget unit; and
- (2) In the compliance certification report the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year 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



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or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 204-8, if any, has changed; and  
(v) If a change is required to be reported under item (iv) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

**Condition 72: Discretionary report contents.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 72.1:**

This Condition applies to Emission Unit: A-K0005

**Item 72.2:** At the NOx authorized account representative's option the following may be included in the compliance certification report:

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

**Condition 73: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 73.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

**Item 73.2:**

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.



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Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 74: Submission of NO<sub>x</sub> allowance transfers.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 74.1:**

This Condition applies to Emission Unit: A-K0005

**Item 74.2:** The NO<sub>x</sub> authorized account representatives seeking recordation of a NO<sub>x</sub> allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO<sub>x</sub> allowance transfer shall include the following elements in a format specified by the Administrator:

- (a) The numbers identifying both the transferor and transferee accounts;
- (b) A specification by serial number of each NO<sub>x</sub> allowance to be transferred; and
- (c) The printed name and signature of the NO<sub>x</sub> authorized account representative of the transferor account and the date signed.

**Condition 75: General provisions.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 75.1:**

This Condition applies to Emission Unit: A-K0005

**Item 75.2:** The owners and operators, and to the extent applicable, the NO<sub>x</sub> authorized account representative of a NO<sub>x</sub> Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NO<sub>x</sub> Budget unit," "NO<sub>x</sub> authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

**Condition 76: Prohibitions.**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 76.1:**

This Condition applies to Emission Unit: A-K0005

**Item 76.2:** No owner or operator of a NO<sub>x</sub> Budget unit or a non-NO<sub>x</sub> Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:



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- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, NOx emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;
- (3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NOx mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and
- (4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:
  - (i) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the Department for use at that unit that provides emission data for the same pollutant or parameter as the discontinued monitoring system; or
  - (ii) The NOx authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

**Condition 77: Requirements for recertification of monitoring systems.  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 77.1:**

This Condition applies to Emission Unit: A-K0005

**Item 77.2:** Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record 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 78: Compliance Certification  
Effective between the dates of 06/24/2002 and 06/23/2007**

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

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**Item 78.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

**Item 78.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NOx Budget unit under paragraphs (b)(2) or (b)(3) of this section must determine, record and report NOx mass, heat input (if required for purposes of allocations) and any other values required to determine NOx Mass (e.g. NOx emission rate and heat input or NOx concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 79: Out of control periods.**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 79.1:**

This Condition applies to Emission Unit: A-K0005

**Item 79.2:** 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 80: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 80.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

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**Item 80.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

All quarterly emission data shall be 0 electronically filed with the USEPA Clean Air Markets Division with a copy (disc or hard copy) to the NYSDEC offices.

The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division  
401 M Street SW (6204J)  
Washington D.C. 20460

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

The address for the BCME is as follows:

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

ACR changes should be sent to the attention of:

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

The address for the RAPCE is as follows:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 81: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 81.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

**Item 81.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NO<sub>x</sub> Mass emissions using a NO<sub>x</sub> concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 82: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 82.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

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**Item 82.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Whenever oil is fired in the Combustion Turbine, the stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard shall be determined with EPA Reference Method 9. For the turbine, the following shall be performed:

1) Observe the stack for the turbine (Emission Point 00005) when 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 the 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, then a Method 9 analysis (based upon a 6-minute average) of the affected emission point 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



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plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Monitoring Frequency: DAILY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 83: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 83.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

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

**Item 83.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner/operator of the Combustion Turbine, Emission Source GT001, must perform a stack test to determine the emission of oxides of nitrogen from the turbine. All stack test procedures must comply with the provisions of 6NYCRR 227-2.6(c).

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 84: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.13**

**Item 84.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

**Item 84.2:**

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and/or operator of a budget source which is not subject to 40 CFR Part 75 shall meet the monitoring requirements of this Subpart by:

(1) Submitting to the Department and the Administrator a monitoring plan as specified in paragraph 227-3.13(a)(2) which must include the following information, as appropriate:

(i) A description of the monitoring approach to be used;

(ii) A description of the major components of the monitoring system including the manufacturer, serial numbers of the component, the measurement span(s) of the components and documentation to demonstrate that the measurement span of each component is appropriate to measure all of the expected values. This requirement applies to all monitoring systems including CEMS which have not been certified pursuant to 40 CFR Part 75;

(iii) An estimate of the accuracy of the system and documentation to demonstrate how the estimate of accuracy was determined;

(iv) A description of the tests that will be used for initial certification, initial quality assurance, periodic quality assurance, and relative accuracy;

(v) If the monitoring system uses a default emission rate or unit specific emission factor, the monitoring plan shall include the following:

(a) All information necessary to support the emission rate including historical monitoring data and historical fuel usage data. If the source plans to conduct emission testing to determine emission rate, the plan must include a test protocol explaining the testing to be conducted;

(b) Procedures which will be utilized to demonstrate that any control equipment in operation during the testing to develop source specific emission factors or during development of load-based emissions curves are in use when those factors or emission curves are applied to calculate NO<sub>x</sub> emissions; and

(c) Alternative uncontrolled emission rates to be used to calculate NO<sub>x</sub> emissions during periods when control

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equipment is not being used or is inoperable.

(vi) The following documentation regarding heat input determination, as appropriate:

- (a) If the method for determining heat input involves boiler efficiency testing, a description of the test to determine boiler efficiency;
- (b) If the method for determining heat input uses fuel sampling, a description of the test to be used in the fuel sampling program; and
- (c) If the method for determining heat input uses fuel flow meters, the meters shall be certified pursuant to 40 CFR Part 75 Appendix D, or equivalent certification methodology.

(vii) As described in the Guidance Document, schematics for the sources, data flow diagrams, and a list of the Electronic Report Record Types used to report quarterly data.

(2) Determining NO<sub>x</sub> emission rate in lbs/mmBtu using one of the following methods:

- (i) Implementing monitoring in accordance with 40 CFR Part 75;
- (ii) If the budget source is required to have and operate a CEMS to meet the requirements of 40 CFR Part 60 or other state requirements or permits, the CEMS must be used to meet the requirements of this paragraph. 40 CFR Part 60 monitors used for this purpose shall meet quality assurance criteria as described in the Guidance Document. Any time that a 40 CFR Part 60 CEMS cannot be used to report data for this program because it does not meet the requirements of the Guidance Document, missing data shall be substituted using the procedures in 40 CFR Part 75 Subpart D. In addition, a CEMS that has not undergone initial certification testing to meet the requirements of 40 CFR Part 75 or 40 CFR Part 60 shall meet the initial certification requirements contained in the Guidance Document;
- (iii) If the budget source is an oil or gas fired source with a maximum heat input capacity of less than 250 mmBtu/hr or an oil or gas fired peaking source of any size and does not have a CEMS, any of the following methodologies may be used to measure NO<sub>x</sub>, consistent with the Guidance Document:

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- (a) For a boiler or a turbine, the procedures contained in 40 CFR Part 75 Appendix E;
- (b) For a combustion turbine, a default emission factor as follows:

- (1) 0.7 lb/mmBtu if gas fired;
- (2) 1.2 lbs/mmBtu if oil fired; or
- (3) the source specific maximum potential NO<sub>x</sub> emission rate determined through testing performed in accordance with a protocol approved by the Department.

- (c) For a boiler, a default emission factor as follows:

- (1) 2 lbs/mmBtu if oil fired,
- (2) 1.5 lbs/mmBtu if gas fired; or
- (3) the source specific maximum potential NO<sub>x</sub> emission rate determined through testing performed in accordance with a protocol approved by the Department.

- (iv) any other method authorized in the Guidance Document and approved by the Department.

- (3) Determining heat input rate using one of the following methods:

- (i) If the budget source does not have a flue gas flow monitor, any of the following methods may be used upon Department approval:

- (a) Use of a flow monitor and a diluent monitor meeting the requirements of 40 CFR Part 75 and the procedures set forth in 40 CFR Part 75 Appendix F Section 5;

- (b) For a budget source that combusts only oil or natural gas, use of a fuel flow monitor meeting the requirements of 40 CFR Part 75 Appendix D and the procedures set forth in 40 CFR Part 75 Appendix F Section 5;

- (c) For a budget source having a rated capacity with a rated output of less than 25 megawatts or that operates as a peaking unit only, that combusts only oil or natural gas, measuring fuel use over a representative period and calculating the heat input on an hourly basis by apportioning the fuel based on electrical load in accordance with the following formula:

Hourly heat input = (Hourly electrical load x Total heat

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input) / Total electrical load

(d) For a budget source that combusts any fuel other than oil or natural gas, one of the following alternative methods:

- (1) Conducting fuel sampling and analysis and monitoring fuel usage;
- (2) Using boiler efficiency curves and other monitored information such as boiler steam output; and
- (3) Any other methods approved by the Department.

(ii) Alternative methods specified in the Guidance Document and approved by the Department, which may be subject to both initial and periodic relative accuracy, and quality assurance testing as accepted by the Department.

(4) Determining the NO<sub>x</sub> emissions in lbs/hr by multiplying the NO<sub>x</sub> emission rate and heat input rate figures together.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 85: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.15**

**Item 85.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

**417Item 85.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This budget source must submit to the Administrator, in a format which meets the requirements of the Administrator's Electronic Data Reporting convention, information regarding emissions and operations during each calendar quarter of each year in accordance with the procedures

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specified in the Guidance Document.

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/02.

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

**Condition 86: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable Federal Requirement: 6NYCRR 227-3.16**

**Item 86.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

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

**Item 86.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(a) Each year during the period extending from November 1 through the allowance transfer deadline, December 31, this budget source may request the Administrator to deduct a number of allowances from the budget source's compliance account equal to the current year control period NO<sub>x</sub> emissions from the budget source. The request must include identification of the compliance account from which the deductions should be made. The request may include the serial numbers of the particular allowances to be deducted. If no serial numbers are included, the Administrator will first deduct allowances allocated for the current year control period. If the Administrator exhausts all allowances allocated for the current year control period, the Administrator will next deduct banked allowances in the compliance account in the order in which they were deposited. The request may only involve allowances placed in the budget source's compliance account; allowances in a compliance overdraft account or general account may not be deducted pursuant to the request.

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(b) If, by November 1 of the current year, the total number of allowances in the budget source's compliance account and compliance overdraft account, including allowance transfer requests properly submitted to the Administrator, is less than the current year control period NOx emissions from the budget source, the budget source must obtain additional allowances by the allowance transfer deadline so that the total number of allowances in the compliance account and compliance overdraft account, including allowance transfer requests properly submitted to the Administrator by the allowance transfer deadline, at least equals the current year control period NOx emissions rounded to the nearest whole ton. The Administrator will not consider for compliance purposes allowances contained in any general account held by the owner and/or operator of the budget source.

(c) If, by the allowance transfer deadline, this budget source either makes no allowance deduction request or makes a request that is insufficient to meet the requirements of Subdivision 227-3.16(a), the Administrator will deduct a number of allowances from the budget source's compliance account and compliance overdraft account that equals the current year control period NOx emissions from the budget source. Under this Subdivision, the Administrator will deduct allowances in the following order:

- (1) Current year allowances from the compliance account in the order in which they were deposited.
- (2) Banked allowances in the compliance account in the order in which they were deposited.
- (3) Current year allowances from the compliance overdraft account in the order in which they were deposited.
- (4) Banked allowances from the compliance overdraft account in the order in which they were deposited.

(d) Any banked allowances deducted pursuant to this Section shall be deducted in accordance with the provisions of Section 227-3.9.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 87: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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**Facility DEC ID: 2640300014**



**Applicable Federal Requirement:0**

**6NYCRR 227-3.17**

**Item 87.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

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

**Item 87.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- (a) By December 31 of each year, this budget source must submit a compliance certification to the Department relating to the budget source's activities during the current year.
- (b) The compliance certification shall contain, at a minimum:
  - (1) identification of the budget source, including address of the budget source, name and address of the owner and/or operator, account numbers of the relevant compliance account and compliance overdraft account and the name of the AAR;
  - (2) a statement indicating whether NO<sub>x</sub> emissions data have been reported to the NETS in accordance with the procedures set forth in Section 227-3.15 and any additional procedures established by the Administrator;
  - (3) a statement indicating whether the budget source has a number of allowances in its compliance account or compliance overdraft account equal to or greater than the budget source's NO<sub>x</sub> emissions for the current year control period;
  - (4) a statement indicating whether the monitoring data reflected the actual operation of the budget source;
  - (5) a statement indicating whether all NO<sub>x</sub> emissions from the budget source were accounted for, either through the relevant monitoring or application of the appropriate missing data procedures; and
  - (6) a statement indicating whether there were any changes in the method of operation of the budget source or the method of monitoring the budget source during the current year.



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(c) The Department may verify compliance by whatever means necessary, including, but not limited to, the following:

- (1) inspection of budget source operating records;
- (2) examining information contained in the NATS (NO<sub>x</sub> Allowance Tracking System) regarding allowance deductions and transfers for the budget source;
- (3) examining information contained in the NETS (NO<sub>x</sub> Emission Tracking System) regarding NO<sub>x</sub> emissions from the budget source;
- (4) testing emission monitoring devices; and,
- (5) testing conducted pursuant to 6 NYCRR Part 202.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 88: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 88.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005 Emission Point: GT001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 88.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.



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

**Condition 89: Compliance Certification**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 89.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0013 Emission Point: EG001

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

**Item 89.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.10 pounds per million Btus  
Reference Test Method: Method 5  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT



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**Facility DEC ID: 2640300014**

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/02.

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

**Condition 90: Compliance Certification**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 90.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0013 Emission Point: EG002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 90.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST  
METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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The initial report is due 10/30/02.  
Subsequent reports are due every 6 calendar month(s).



**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**Condition 91: Unavoidable noncompliance and violations**  
**Effective between the dates of 06/24/2002 and 06/23/2007**

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

Item 91.1:

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



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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 92: General Provisions**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 92.1:**

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

**Item 92.2:**

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.

**Item 92.3:**

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.

**Condition 93: Permit Exclusion Provisions**

**Effective between the dates of 06/24/2002 and 06/23/2007**

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

**Item 93.1:**

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements



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contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

**Condition 94: Contaminant List**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable State Requirement: 6NYCRR 201-5.3(b)**

**Item 94.1:**

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

**Condition 95: Air pollution prohibited**

**Effective between the dates of 06/24/2002 and 06/23/2007**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 95.1:**

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.