



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Title IV (Phase II Acid Rain)
Permit ID: 2-6403-00014/00029
Effective Date: 01/31/2008 Expiration Date: 01/30/2013

Permit Type: Air Title V Facility
Permit ID: 2-6403-00014/00031
Effective Date: 01/31/2008 Expiration Date: 01/30/2013

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

Contact: THOMAS BISHOP
NRG ARTHUR KILL GENERATION INC
4401 VICTORY BLVD
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:
The facility "Arthur Kill Generating Station" is located at 4401 Victory Boulevard, Staten Island, NY 10314. Original Title V permit for this existing electricity generating facility was issued on 06/24/2002. This application is for the renewal of the original Title V permit. There is no change in the process or equipment. The Standard Industrial Classification (SIC) code for this facility is 4911 - Electrical Services.

It operates two very large boilers rated at 3717 MMBtu/hr and 5502 MMBtu/hr and one medium size boiler rated at 65 MMBtu/hr. The very large boilers combust residual fuel and natural gas and the medium size boiler combusts natural gas only. The facility also has one combustion turbine rated at 235 MMBtu/hr. The turbine can combust both distillate fuel oil or natural gas. There are two lube oil vapor extractors. Emergency coal burning capabilities exist at the facility.

The facility's emissions of Nitrogen Oxides 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 6 NYCRR part 227-2.



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
DIVISION OF ENVIRONMENTAL PERMITS
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 compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

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



DEC GENERAL CONDITIONS

**** General Provisions ****

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 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, modifications and transfers

Applicable State Requirement: 6NYCRR 621.11

Item 3.1:

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

Item 3.2:

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



Item 3.3:

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

Condition 4: Permit modifications, suspensions or revocations by the Department
Applicable State Requirement: 6NYCRR 621.13

Item 4.1:

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

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

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

Condition 5: Submission of application for permit modification or renewal-REGION 2 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(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



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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

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

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

Permit Effective Date: 01/31/2008

Permit Expiration Date: 01/30/2013



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

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

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 6NYCRR 201-6.5(g): Non Applicable requirements
- 25 6NYCRR 207: Submittal of Episode Action Plans
- 26 6NYCRR 225-1.2(a)(2): Compliance Certification
- 27 6NYCRR 225-1.2(a)(2): Compliance Certification
- 28 6NYCRR 225-1.7(c): Compliance Certification
- 29 6NYCRR 225-1.8: Compliance Certification
- 30 6NYCRR 227-1.3: Compliance Certification
- 31 6NYCRR 227-2.5(b): Compliance Certification
- 32 40CFR 72: Facility Subject to Title IV Acid Rain Regulations and Permitting

Emission Unit Level



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

EU=A-K0001

- 35 6NYCRR 227-2.6(a)(1): Testing, monitoring, and reporting requirements for very large boilers.

EU=A-K0003

- 36 6NYCRR 227-2.6(c): Compliance Certification
- 37 40CFR 60.48c, NSPS Subpart Dc: Recordkeeping and reporting.

EU=A-K0003,Proc=NG3,ES=00040

- 38 6NYCRR 227-2.4(c)(1)(i): 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.

EU=A-K0005

- 39 6NYCRR 204-1.6: Permits requirements.
- 40 6NYCRR 204-2.1: Submissions to the Department.
- 41 6NYCRR 204-4.1: Compliance Certification
- 42 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 43 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 44 6NYCRR 204-8.2: Compliance Certification
- 45 6NYCRR 204-8.3: Out of control periods.
- 46 6NYCRR 204-8.4: Compliance Certification
- 47 6NYCRR 204-8.7: Compliance Certification
- 48 6NYCRR 227-1.3: Compliance Certification
- 49 6NYCRR 227-2.6(c): Compliance Certification

EU=A-K0005,EP=GT001

- 50 6NYCRR 227.2(b)(1): Compliance Certification

EU=A-K0013,EP=EG001

- 51 6NYCRR 227.2(b)(1): Compliance Certification

EU=A-K0013,EP=EG002

- 52 6NYCRR 227.2(b)(1): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 53 ECL 19-0301: Contaminant List
- 54 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 55 6NYCRR 211.2: Air pollution prohibited



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Emergency Defense - 6NYCRR Part 201-1.5

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

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

(1) An emergency occurred and that the facility owner and/or

operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department

within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

Item B: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)

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



- Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)**
Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.
- Item D: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)**
Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- Item E: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)**
The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.
- Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR Part 201-6.5(a)(9)**



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

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

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the



effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



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

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

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

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

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 200.6

Item 1.1:

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

Condition 2: Fees
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 2.1:

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

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 3.1:

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



- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;
- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

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

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 4.1:

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

Condition 5: Compliance Certification

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to



the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

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, 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 7/30/2008.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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



Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance certifications shall contain the following information:

- 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:

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 7/30/2008.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

Condition 8: Recordkeeping requirements
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 202-2.5

Item 8.1:

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

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

(b) These records shall be made available at the facility to the representatives of the



department upon request during normal business hours.

Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 215

Item 9.1:

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

MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF
APPLICABLE

Title V
if
reporting

The following federally enforceable permit conditions are mandatory for all permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

Condition 10: Maintenance of Equipment
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 200.7

Item 10.1:

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.

Condition 11: Recycling and Salvage
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 201-1.7

Item 11.1:

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

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air
Effective between the dates of 01/31/2008 and 01/30/2013



Applicable Federal Requirement:6NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 13.1:

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

Condition 14: Trivial Sources - Proof of Eligibility
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 14.1:

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

Condition 15: Standard Requirement - Provide Information
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.



submitted) one of the following, if such quantities are present:

- 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan.
- Information should be submitted to:

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

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: Emission Unit Definition
Effective between the dates of 01/31/2008 and 01/30/2013

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 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: Non Applicable requirements

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 24.1:

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 25: Submittal of Episode Action Plans

Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement: 6NYCRR 207

Item 25.1:

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 26: Compliance Certification

Effective between the dates of 01/31/2008 and 01/30/2013



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

Item 26.1:

The Compliance Certification activity will be performed for the Facility.

Item 26.2:

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 3/1/2008.

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

Condition 27: Compliance Certification

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 27.1:

The Compliance Certification activity will be performed for the Facility.

Item 27.2:

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
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 3/1/2008.
Subsequent reports are due every 1 calendar month(s).

Condition 28: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 28.1:

The Compliance Certification activity will be performed for the Facility.

Item 28.2:

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 of Sulfur 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 PERMIT MONITORING
DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2008.

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

Condition 29: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 225-1.8

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:



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 PERMIT MONITORING DESCRIPTION

Reporting Requirements: MONTHLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 3/1/2008.

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

Condition 30: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 227-1.3

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This Condition addresses the Arthur Kill Generating Station (the "Facility").

1. Opacity Monitors

Permittee's opacity monitors shall be properly operated and maintained in accordance with the requirements of 40 CFR Part 75, 6 NYCRR Part 227, the manufacturer's recommendations and Permittee's Quality Assurance/Quality Control program.

2. Opacity Incident Reporting

A. Permittee shall prepare an Opacity Incident Report (OIR) for each excess opacity event. An excess opacity emission event, as used in this condition, means smoke emissions of one or more six minute periods in which the average opacity exceeds 20%, which are caused by the same circumstance, except that one event in every hour may be excluded if the average opacity during the six-minute period does not exceed 27%.



B. Each OIR shall include a description of the event, the start and end times, the duration, a sequence of events, the maximum value, a preliminary cause analysis including the reason code and corrective action requirements including the corrective action code. These reports will be generated and maintained in the Facility's CEMS Data Acquisition System computer and identified as Exceedance Data Exception Reports. The OIRs will be maintained for a period of five years and shall be made available to the New York State Department of Environmental Conservation (the "Department") on demand.

C. If the Facility experiences two or more unexcused excess opacity events in a calendar quarter, Permittee shall submit a written report of excess emissions for that calendar quarter in which the excess opacity events occurred which includes an opacity summary as well as an opacity excursion report in accordance with 6 NYCRR §227-1.4. Such reports shall include, at a minimum, the required information set forth at 6 NYCRR §227-1.4(b), and a summary page providing: the total number of reported exceedances; the total number of unexcused exceedances; monitor downtime expressed as a percentage of operating time; and compliance rates, based on both total reported and unexcused exceedances, expressed (to the hundredth) as a percentage of operating time.

3. Opacity Reporting Compliance Audits

If the Facility experiences two or more unexcused excess opacity events per calendar month, Permittee shall conduct a monthly opacity reporting compliance audit for that month consistent with the requirements of this paragraph.

If required, such audits include a detailed review of all opacity data for the prior month and confirmation that all indicated events were properly reported and documented, survey sheets completed and all documentation retained. Comprehensive audit reports shall be prepared to identify all relevant observations. Items to be tabulated include missing survey sheets, events greater than 20% opacity, events greater than 40% opacity, total incidents, and incidents reported.

4. Awareness, Communications and Training

Permittee shall comply with the opacity awareness, communications and training provisions of this paragraph.

If the Facility experiences two or more unexcused excess



opacity events in one calendar month, opacity audit results and initiatives shall be made formal agenda items at regular meetings conducted by the plant personnel. Opacity reduction program activities shall also be discussed at the same meetings.

Opacity understanding and awareness shall be communicated on an on-going basis from station management to supervisory and operating and maintenance personnel. Permittee shall provide training in opacity regulatory requirements, fundamentals of combustion, and the balance between NOx control, and opacity and continuous emissions monitoring interface.

5. Preventive Maintenance

Permittee submitted a preventive maintenance program, which is incorporated into and is an enforceable part of this Condition. The Department shall be notified of all significant additions and deletions to the preventive maintenance program.

6. Root Cause Analysis and Corrective Actions

Permittee shall conduct root cause analyses and shall take all corrective actions that are deemed necessary to maintain the Facility in full compliance with the State's opacity requirements.

7. Quarterly Reports

Beginning 45 days after the effective date of this permit, Permittee shall submit to the Department quarterly reports 60 days following the end of the calendar quarter (May 30, August 30, November 30 and February 28) which describe the activities and progress that the Permittee has made during the preceding quarter in carrying out the requirements of paragraphs 1 through 7 of this Condition

ARTHUR KILL STATION OPACITY PREVENTIVE MAINTENANCE PROGRAM

PURPOSE:

In order to minimize opacity incidents, preventive maintenance will be performed on a periodic basis to reduce or eliminate equipment malfunctions that could lead to an opacity incident.

BACKGROUND:

In addition to performing opacity audits, awareness and training and root cause and corrective analysis an effective opacity preventive maintenance program can



reduce the number of opacity incidents. Routine maintenance can reduce the number and length of opacity incidents.

PROGRAM:

The elements of the preventive maintenance program are listed on the table below. Some items only pertain to when oil is being burned. Those groups indicated as responsible for that element will perform these elements on a periodic basis. Any deficiencies will be corrected or added to the major overhaul list for correction during an outage.

DOCUMENTATION:

Completed checklists will be kept on file at the facility and made available for agency inspection for a period of five years.

ARTHUR KILL GENERATING STATION OPACITY PM

PROGRAM - OIL OPERATION

Date	Element	Unit	Description	Responsibility	Check
					Performed
	Fireside Operations	20	Inspect		
		20	Clean	Vendor	
		30	Inspect	Operations	
		30	Clean	Vendor	
	Burners Operations	20	Air Slide Insp/Lube		
		20	Air slide & Baffle Insp	Operations	
		30	Burner Tilt Drive Insp	Operations	
		30	ATC Insp/Lube	Operations	
		20	Gas Ignitor Operation	Operations	
		30	Gas Ignitor Operation	Operations	
		ID Fans	30	ID Fan Vane Adjustment	Operations
	20		ID Fan Vane Adjustment	Operations	
	20		ID Fan Disch Damper Insp	Operations	
	20		ID Fan Inlet Duct Insp	Operations	
	30		ID Fan Inlet Duct Insp	Operations	
	FD Fans		20	FD Fan Air Duct Insp	



I&C		30	Fuel Gas Pressure
I&C	Controls	20	Steam/Air Flow
I&C		30	Steam/Air Flow
I&C	Opacity Monitor	Stack	Calibrate & PM
Vendor			

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 31: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 31.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 31.2:

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 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 PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2008.



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

Condition 32: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 01/31/2008 and 01/30/2013
Applicable Federal Requirement:40CFR 72

Item 32.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.

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

Condition 33: Emission Point Definition By Emission Unit
Effective between the dates of 01/31/2008 and 01/30/2013
Applicable Federal Requirement:6NYCRR 201-6

Item 33.1:

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

NYTMN (km.): 4493.078

NYTME (km.): 567.901

Building: BOILERRM

Item 33.2:

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

NYTMN (km.): 4493.025

NYTME (km.): 567.938

Building: GTFAC

Item 33.3:

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

Emission Unit: A-K0013

Emission Point: EG001

Height (ft.): 20

Diameter (in.): 8

NYTMN (km.): 4493.088

NYTME (km.): 567.913

Building: BOILERHS

Emission Point: EG002

Height (ft.): 14

Diameter (in.): 12

NYTMN (km.): 4493.078

NYTME (km.): 567.917

Building: BOILERHS

Condition 34: Process Definition By Emission Unit
Effective between the dates of 01/31/2008 and 01/30/2013



Applicable Federal Requirement:6NYCRR 201-6

Item 34.1:

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

Emission Unit: A-K0001

Process: BC1

Source Classification Code: 3-01-009-99

Process Description:

This process is for the chemical cleaning of the boiler tubes for Boiler 20. The boiler tubes will be cleaned using EDTA method and the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

Item 34.2:

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

Emission Unit: A-K0001

Process: BC2

Source Classification Code: 3-01-009-99

Process Description:

This process is for the chemical cleaning of the boiler tubes for Boiler 30. The boiler tubes will be cleaned using EDTA method and the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Emission Source/Control: 00030 - Combustion

Design Capacity: 5,502 million Btu per hour

Item 34.3:

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 34.4:

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 34.5:

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.

Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

Item 34.6:

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 34.7:

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 34.8:

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 34.9:

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 34.10:

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 35: Testing, monitoring, and reporting requirements for very large boilers.

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 35.1:



This Condition applies to Emission Unit: A-K0001

Item 35.2:

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

Condition 36: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0003

Regulated Contaminant(s):

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

Item 36.2:

Compliance Certification shall include the following monitoring:

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 37: Recordkeeping and reporting.
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 37.1:

This Condition applies to Emission Unit: A-K0003

Item 37.2:

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

Condition 38: 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 01/31/2008 and 01/30/2013

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



Item 38.1:

This Condition applies to Emission Unit: A-K0003
Process: NG3 Emission Source: 00040

Item 38.2:

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

Condition 39: Permits requirements.
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-1.6

Item 39.1:

This Condition applies to Emission Unit: A-K0005

Item 39.2: 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, 2002.

Condition 40: Submissions to the Department.
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-2.1

Item 40.1:

This Condition applies to Emission Unit: A-K0005

Item 40.2: 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 204-2.4(a)(4)) by the NOx authorized account representative.

Condition 41: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-4.1

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 41.2:

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 PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 42: Submission of NO_x allowance transfers.
Effective between the dates of 01/31/2008 and 01/30/2013**

Applicable Federal Requirement:6NYCRR 204-7.1

Item 42.1:

This Condition applies to Emission Unit: A-K0005

Item 42.2: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

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

**Condition 43: Requirements for recertification of monitoring systems.
Effective between the dates of 01/31/2008 and 01/30/2013**

Applicable Federal Requirement:6NYCRR 204-8.2

Item 43.1:

This Condition applies to Emission Unit: A-K0005

Item 43.2: 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_x 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 44: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013**

Applicable Federal Requirement:6NYCRR 204-8.2



Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 44.2:

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 PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 45: Out of control periods.

Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-8.3

Item 45.1:

This Condition applies to Emission Unit: A-K0005

Item 45.2: 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 46: Compliance Certification

Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-8.4

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Authorized Account Representative for a NOx Budget unit shall submit written notice to the Department and the



USEPA Administrator in accordance with the requirements of this subpart as follows:

All monitoring plans or monitoring plan modifications; compliance certifications, recertifications and quarterly QA/QC reports; and, petitions for alternative monitoring, shall be submitted to the USEPA Administrator (or his/her representatives) as well as two copies to the Department (one copy to the Regional Air Pollution Control Engineer (RAPCES) in the regional office and one 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
47-20 21st Street
Long Island City, NY 11101-5407



Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 47: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 204-8.7

Item 47.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 47.2:

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 NOx Mass emissions using a NOx 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 PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 48: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable Federal Requirement:6NYCRR 227-1.3

Item 48.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 48.2:

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 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 49: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 49.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

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



Item 49.2:

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 50: Compliance Certification

Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 50.1:

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 50.2:

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 7/30/2008.

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

Condition 51: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013

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

Item 51.1:

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 51.2:

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 7/30/2008.

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

Condition 52: Compliance Certification
Effective between the dates of 01/31/2008 and 01/30/2013



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

Item 52.1:

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 52.2:

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 7/30/2008.

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



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A: General Provisions for State Enforceable Permit Terms and Condition - 6 NYCRR Part 201-5

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

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

STATE ONLY APPLICABLE REQUIREMENTS

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

**Condition 53: Contaminant List
Effective between the dates of 01/31/2008 and 01/30/2013**

Applicable State Requirement:ECL 19-0301

Item 53.1:

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 54: Unavoidable noncompliance and violations
Effective between the dates of 01/31/2008 and 01/30/2013**

Applicable State Requirement: 6NYCRR 201-1.4

Item 54.1:

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

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

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

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

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



(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 55: Air pollution prohibited
Effective between the dates of 01/31/2008 and 01/30/2013

Applicable State Requirement:6NYCRR 211.2

Item 55.1:

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.

