

**New York State Department of Environmental Conservation  
Facility DEC ID: 3330900040**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 3-3309-00040/00004  
Mod 0 Effective Date: 12/28/2004 Expiration Date: 12/27/2009  
Mod 1 Effective Date: 05/23/2007 Expiration Date: No expiration date.  
Mod 2 Effective Date: Expiration Date:

Permit Issued To: MIRANT NY-GEN LLC  
FOUR EXECUTIVE BLVD - SUITE 100  
SUFFERN, NY 10901

Contact: GREG SHARLAND  
OGDENSBURG ENERGY FACILITY  
PO BOX 585  
OGDENSBURG, NY 13669

Facility: SHOEMAKER GAS TURBINE FACILITY  
71 DOLSON AVE  
MIDDLETOWN, NY 10940

Description:  
The gas turbine at the facility will be subject to the limit in Part 227 of 100 ppmvd, corrected to 15 percent oxygen, for sources capable of firing multiple fuels

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: KENNETH R GRZYB  
NYSDEC REGION 3  
21 SOUTH PUTT CORNERS RD  
NEW PALTZ, NY 12561

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, modifications and transfers  
Applications for Permit Renewals and Modifications  
Permit modifications, suspensions or revocations by the Department  
Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal-REGION 3  
HEADQUARTERS  
Submission of application for permit modification or renewal-REGION 3  
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 2-1: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6NYCRR 621.11**

**Item 2-1.1:**

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 2-1.2:**

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 2-1.3:**



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

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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

**Condition 2-2: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 2-2.1:**

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

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

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

**Item 4.1:**

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

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;

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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal-REGION 3 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 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054

**Condition 2-3: Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.6(a)**

**Item 2-3.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: MIRANT NY-GEN LLC  
FOUR EXECUTIVE BLVD - SUITE 100  
SUFFERN, NY 10901

Facility: SHOEMAKER GAS TURBINE FACILITY  
71 DOLSON AVE  
MIDDLETOWN, NY 10940

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

Permit Effective Date:

Permit Expiration Date:

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**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 2-1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2-2 6NYCRR 201-6.5(a)(7): Fees
- 2-3 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 2-4 6NYCRR 200.7: Maintenance of Equipment
- 2-5 6NYCRR 201-1.7: Recycling and Salvage
- 2-6 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected  
Contaminants to the air
- 2-7 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 2-8 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 2-9 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 2-10 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 2-11 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 2-12 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 2-13 6NYCRR 202-1.1: Required Emissions Tests
- 2-14 6NYCRR 211.3: Visible Emissions Limited
- 2 6NYCRR 201-6: Emission Unit Definition
- 10 6NYCRR 227-2.5(b): Compliance Certification

**Emission Unit Level**

- 13 6NYCRR 201-6: Process Definition By Emission Unit

**EU=1-00001**

- 2-15 6NYCRR 227-2.4(e)(1): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 16 ECL 19-0301: Contaminant List



**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



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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 - 6NYCRR Part 201-6.5(a)(5)**

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in



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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

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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



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is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

**Item L: Permit Exclusion - ECL 19-0305**

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

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

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

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

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

**Condition 2-1: Acceptable Ambient Air Quality  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 200.6**

**Item 2-1.1:**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit



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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 2-2: Fees**  
**Effective for entire length of Permit**

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

**Item 2-2.1:**

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 2-3: Open Fires Prohibited at Industrial and Commercial Sites**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 215**

**Item 2-3.1:**

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**

**The following federally enforceable permit conditions are mandatory for all Title V 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 2-4: Maintenance of Equipment**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 200.7**

**Item 2-4.1:**

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 2-5: Recycling and Salvage**  
**Effective for entire length of Permit**



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

**Item 2-5.1:**

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 2-6: Prohibition of Reintroduction of Collected Contaminants to the air  
Effective for entire length of Permit**

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

**Item 2-6.1:**

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 2-7: Exempt Sources - Proof of Eligibility  
Effective for entire length of Permit**

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

**Item 2-7.1:**

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 2-8: Trivial Sources - Proof of Eligibility  
Effective for entire length of Permit**

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

**Item 2-8.1:**

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 2-9: Standard Requirement - Provide Information**



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**Effective for entire length of Permit**

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

**Item 2-9.1:**

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

**Condition 2-10: General Condition - Right to Inspect**

**Effective for entire length of Permit**

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

**Item 2-10.1:**

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

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 2-11: Standard Requirements - Progress Reports**

**Effective for entire length of Permit**

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

**Item 2-11.1:**

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

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

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(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 2-12: Off Permit Changes**  
**Effective for entire length of Permit**

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

**Item 2-12.1:**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

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

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

**Condition 2-13: Required Emissions Tests**  
**Effective for entire length of Permit**

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

**Item 2-13.1:**

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

**Condition 2-14: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6NYCRR 211.3**

**Item 2-14.1:**



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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.

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

**Condition 2: Emission Unit Definition**  
**Effective between the dates of 12/28/2004 and Permit Expiration Date**

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

**Item 2.1(From Mod 2):**

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

Emission Unit: 1-00001

Emission Unit Description:

NATURAL GAS OR JET FUEL A-FIRED STATIONARY  
COMBUSTION UNIT CONSISTING OF TWO JET  
ENGINES USED TO TURN A SIMPLE CYCLE GAS  
TURBINE RATED AT 40 MW GENERATING  
ELECTRICITY FOR SALE.

Building(s): GTBLDG  
GTBLDG  
ICBLDG

**Item 2.2(From Mod 0):**

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

Emission Unit: 1-00002

Emission Unit Description:

NATURAL GAS-FIRED RECIPROCATING INTERNAL  
COMBUSTION ENGINE USED TO BOOST THE  
PRESSURE OF THE NATURAL GAS SUPPLIED TO THE  
GAS TURBINE.

Building(s): ICBLDG

**Condition 10: Compliance Certification**  
**Effective between the dates of 12/28/2004 and Permit Expiration Date**

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

**New York State Department of Environmental Conservation**

**Permit ID: 3-3309-00040/00004**

**Facility DEC ID: 3330900040**



**Expired by Mod 2**

**Item 10.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 10.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Mirant New York LLC must comply with the NO<sub>x</sub> RACT Limit through a system wide average. The following emission units are included in the averaging plan: Lovett 3, 4 and 5; Bowline Point 1 and 2; Shoemaker 1 (including internal combustion engine as emission unit 1-00002) and Hillburn 1. During the summer period, from May 1 through September 15, the system wide average emission limit will be calculated on a 24 hour weighted average of all generating units. System wide average emission limit during the winter period September 16 through April 30 will be calculated on the basis of a weighted 30 day rolling average of the daily emissions of all units exclusive of the Hillburn and Shoemaker peaking combustion turbines (operating fewer than 500 hours during the period).

The system NO<sub>x</sub> emission limit will depend upon the specified regulatory emission limit and the relative contribution to the total system heat input of each equipment type. The system NO<sub>x</sub> emission limit for both the summer period (May 1 through September 30) and winter period (October 1 through April 30) will be calculated in accordance with the mathematical relationships contained within section 2 of the attached NO<sub>x</sub> RACT Operating Plan.

The specified regulatory emission limit for each unit included in the system wide averaging are as follows:

Lovett Unit No. 3 - 0.25 lbs NO<sub>x</sub>/million BTU  
Lovett Unit No. 4 - 0.45 lbs NO<sub>x</sub>/million BTU  
Lovett Unit No. 5 - 0.45 lbs NO<sub>x</sub>/million BTU  
Bowline Point Unit No. 1 - 0.25 lbs NO<sub>x</sub>/million BTU  
Bowline Point Unit No. 2 - 0.25 lbs NO<sub>x</sub>/million BTU



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Shoemaker Turbine - 100 ppmvd, corrected to 15% oxygen  
(0.4 lbs/million BTU)  
Shoemaker internal combustion engine - 3.0 grams per brake  
horsepower-hour through March 31, 2005;  
1.5 grams per brake horsepower-hour beginning April 1,  
2005.  
Hillburn Turbine - 100 ppmvd, corrected to 15% oxygen (0.4  
lbs/million BTU)

The auxiliary boiler at the Bowline facility is not part  
of the system wide average.

The actual NOx emissions for both the summer and winter  
period will be calculated based on the mathematical  
relationships represented contained in the attached NOx  
RACT Operating Plan.

Reference Test Method: Currently in place  
Monitoring Frequency: CONTINUOUS  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 3 calendar month(s).

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

**Condition 13: Process Definition By Emission Unit**  
**Effective between the dates of 12/28/2004 and Permit Expiration Date**

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

**Item 13.1(From Mod 2):**

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

Emission Unit: 1-00001  
Process: 1GS Source Classification Code: 2-01-002-01  
Process Description:  
Two natural gas-fired stationary jet engines drive a



**New York State Department of Environmental Conservation**

**Permit ID: 3-3309-00040/00004**

**Facility DEC ID: 3330900040**

simple cycle gas turbine rated at 40 MW generating electricity for sale.

Emission Source/Control: 0GT01 - Combustion

Design Capacity: 512 million Btu per hour

**Item 13.2(From Mod 2):**

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

Emission Unit: 1-00001

Process: 1OL

Source Classification Code: 2-01-009-01

Process Description:

Two Jet Fuel A-fired stationary jet engines drive a simple cycle gas turbine rated at 40 MW generating electricity for sale.

Emission Source/Control: 0GT01 - Combustion

Design Capacity: 512 million Btu per hour

**Item 13.3(From Mod 0):**

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

Emission Unit: 1-00002

Process: 2GS

Source Classification Code: 2-02-002-02

Process Description:

NATURAL GAS-FIRED RECIPROCATING INTERNAL COMBUSTION ENGINE USED TO BOOST THE PRESSURE OF THE NATURAL GAS SUPPLIED TO THE GAS TURBINE.

Emission Source/Control: 0IC01 - Combustion

Design Capacity: 6 million Btu per hour

**Condition 2-15: Compliance Certification**

**Effective for entire length of Permit**

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

**Item 2-15.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001

Regulated Contaminant(s):

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

**Item 2-15.2:**

**New York State Department of Environmental Conservation**  
**Permit ID: 3-3309-00040/00004      Facility DEC ID: 3330900040**



Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

NOx emission limit for simple cycle gas turbines firing multiple fuels.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 100.0 parts per million by volume  
(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: NOx Correlation Curve

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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 16: Contaminant List**  
**Effective between the dates of 12/28/2004 and Permit Expiration Date**

**Applicable State Requirement: ECL 19-0301**

**Item 16.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this

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**Permit ID: 3-3309-00040/00004**

**Facility DEC ID: 3330900040**



permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 007446-09-5

Name: SULFUR DIOXIDE