



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-3346-00011/00017
Effective Date:

Expiration Date:

Permit Type: Title IV (Phase II Acid Rain)
Permit ID: 3-3346-00011/00027
Effective Date:

Expiration Date:

Permit Issued To: DYNEGY NORTHEAST GENERATION
992 RIVER RD
NEWBURGH, NY 12550

Contact: MARK MCLEAN
DYNEGY NORTHEAST GENERATION INC
992 RIVER RD
NEWBURGH, NY 12550
(845) 563-4960

Facility: DANKAMMER GENERATING STATION
994 RIVER RD
NEWBURGH, NY 12550

Contact: MARK MCLEAN
DYNEGY NORTHEAST GENERATION INC
992 RIVER RD
NEWBURGH, NY 12550
(845) 563-4960

Description:
Title V renewal.

This renewal includes conditions recently promulgated under Regulations 6 NYCRR Parts 243, 244, and 245. These regulations require facilities to obtain/possess at least as many 'allocations' of Sulfur Dioxide (SO₂) and Oxides of Nitrogen (NO_x) as they emit into the atmosphere during a specified period of time. An 'allocation' is a unit of pollution which is limited by a budget established in the regulations. The Department developed these regulations in response to the United States Environmental Protection Agency's (EPA's) recent "Clean Air Interstate Rule" (CAIR). The regulations are included in New York's 'State Implementation Plan' (SIP) which has been approved by EPA as required by the Clean Air Act of 1990.



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 S 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 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 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 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 3 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 3 Headquarters
Division of Environmental Permits
21 South Putt Corners Road
New Paltz, NY 12561-1696
(845) 256-3054

New York State Department of Environmental Conservation

Permit ID: 3-3346-00011/00017

Facility DEC ID: 3334600011



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: DYNEGY NORTHEAST GENERATION
992 RIVER RD
NEWBURGH, NY 12550

Facility: DANKAMMER GENERATING STATION
994 RIVER RD
NEWBURGH, NY 12550

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

Permit Effective Date:

Permit Expiration Date:



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

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Facility Level

Submission of application for permit modification or renewal-REGION 3 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 200.7: Compliance Certification
- 24 6NYCRR 200.7: Compliance Certification
- 25 6NYCRR 201-6: Emission Unit Definition
- 26 6NYCRR 225-1.8(a): Compliance Certification
- 27 6NYCRR 227-1.2(a)(1): Compliance Certification
- 28 6NYCRR 227-1.3(a): Compliance Certification
- 29 6NYCRR 227-1.4(b): Compliance Certification
- 30 6NYCRR 227-2.5(b): Compliance Certification
- 31 6NYCRR 227-2.6(b)(3)(i): Compliance Certification
- 32 6NYCRR 227-2.6(b)(4)(iv): Compliance Certification
- 33 6NYCRR 243-1.6(a): Permit Requirements
- 34 6NYCRR 243-1.6(b): Monitoring requirements



- 35 6NYCRR 243-1.6(c): NOx Ozone Season Emission Requirements
- 36 6NYCRR 243-1.6(d): Excess emission requirements
- 37 6NYCRR 243-1.6(e): Recordkeeping and reporting requirements
- 38 6NYCRR 243-2.1: Authorization and responsibilities of CAIR designated representative
- 39 6NYCRR 243-2.4: Certificate of representation
- 40 6NYCRR 243-8.1: General requirements
- 41 6NYCRR 243-8.1: Prohibitions
- 42 6NYCRR 243-8.5(d): Quarterly reports
- 43 6NYCRR 243-8.5(e): Compliance certification
- 44 6NYCRR 244-1: CAIR NOx Annual Trading Program General Conditions
- 45 6NYCRR 244-2: Designated CAIR Representative
- 46 6NYCRR 244-8: Compliance Certification
- 47 6NYCRR 245-1: CAIR SO2 Trading Program General Provisions
- 48 6NYCRR 245-2: Designated CAIR Representative
- 49 6NYCRR 245-8: Compliance Certification
- 50 40CFR 72.9, Subpart A: Compliance Certification
- 51 40CFR 75.10(a), Subpart B: Compliance Certification
- 52 40CFR 75.10(b), Subpart B: Compliance Certification
- 53 40CFR 75.10(c), Subpart B: Compliance Certification
- 54 40CFR 75.10(d), Subpart B: Compliance Certification
- 55 40CFR 75.13(a), Subpart B: Compliance Certification
- 56 40CFR 75.20, Subpart C: Compliance Certification
- 57 40CFR 75.64(a), Subpart G: Compliance Certification

Emission Unit Level

- 58 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 59 6NYCRR 201-6: Process Definition By Emission Unit

EU=U-D0003,EP=00003,Proc=D30,ES=SD003

- 60 6NYCRR 227-1.2(a)(1): Compliance Certification

EU=U-D0003,EP=00003,Proc=D3C,ES=SD003

- 61 6NYCRR 200.6: Compliance Certification

EU=U-D0004,EP=00004,Proc=D4C,ES=SD004

- 62 6NYCRR 200.6: Compliance Certification

EU=U-D0007

- 63 6NYCRR 212.4(c): Compliance Certification
- 64 6NYCRR 212.6(a): Compliance Certification

EU=U-D0007,Proc=C01,ES=SDHND

- 65 40CFR 60.252(c), NSPS Subpart Y: Compliance Certification

EU=U-D0008

- 66 6NYCRR 212.6(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 67 ECL 19-0301: Contaminant List
- 68 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 69 6NYCRR 211.2: Air pollution prohibited
- 70 6NYCRR 227-1.4(a): Compliance Demonstration



- 71 6NYCRR 237-1.6(e): Recordkeeping and Reporting Requirements
- 72 6NYCRR 237-2: Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.
- 73 6NYCRR 237-4.1: Compliance Demonstration
- 74 6NYCRR 237-7.1: Submission of NOx allowance transfers
- 75 6NYCRR 237-8: Compliance Demonstration
- 76 6NYCRR 238-1.6(e): Record keeping and Reporting Requirements
- 77 6NYCRR 238-2.1: Submissions to the Department
- 78 6NYCRR 238-4.1: Compliance Demonstration
- 79 6NYCRR 238-7.1: Submission of SO2 allowance transfers
- 80 6NYCRR 238-8: Monitoring and Reporting requirements



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.

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

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

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

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 for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit

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 for entire length of Permit

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

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

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

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

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



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
 - the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;and
 - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2
Air Compliance Branch



290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

21 South Putt Corners Road
New Paltz, NY 12561-1696

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2009.
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification
Effective for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit**

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**

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 10: Maintenance of Equipment
Effective for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit**

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 for entire length of Permit**

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.

**Condition 16: General Condition - Right to Inspect
Effective for entire length of Permit**

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

Item 16.1:



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

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

**Condition 17: Standard Requirements - Progress Reports
Effective for entire length of Permit**

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

Item 17.1:

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

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 18: Off Permit Changes
Effective for entire length of Permit**

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

Item 18.1:

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

- (i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions,



C/O CSC

8400 Corporate Dr

Carrollton, Md. 20785

**Condition 22: Recycling and Emissions Reduction
Effective for entire length of Permit**

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: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 200.7

Item 23.1:

The Compliance Certification activity will be performed for the Facility.

Item 23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility shall operate the electrostatic precipitators when burning coal or oil, except during times of start-up and shutdown. The facility shall operate and maintain its electrostatic precipitators (ESPs) in a manner consistent with good air pollution control practice for minimizing emissions.

The facility shall comply with the following in regard to the ESPs:

1. Monitor the number of operational fields, primary and secondary voltage and current, and spark rate;
2. Monitor current and voltage at each transformer and spark rate in each section;
3. Use ammeters, voltmeters, or other instrumentation, as appropriate, to measure the above parameters;
4. Acquire and measure data as follows:



- i. data shall be recorded by distributed control system (DCS) or similar digital data acquisition system at all times. When the DCS becomes inoperable, the facility must log the duration of the malfunction period with the cause of the malfunction and submit this information in the semi-annual report. During the DCS malfunction period, the data may be manually recorded for each six-minute period during which the average opacity exceeds 20 percent. The current facility DCS shall be updated to process the ESP operating data and shall be operational within 180 days of issuing this permit modification;
- ii. data measurements shall be reported in terms of operational fields, amps, volts, or sparks per minute, as appropriate;
- iii. data shall be recorded automatically on a strip chart or digital data acquisition system when data is collected digitally, or in an operational log when data is recorded during DCS malfunction.

5. Maintain baseline ESP operating parameter records and sampling data concurrent with emission test or historical plant records of ESP performance parameters; and

6. Calibrate, maintain, and operate instrumentation according to manufacturer's recommendations.

7. Proper operating ranges for ESP parameters are listed below.

Parameter	Unit 1	Unit 2	Unit 3	Unit 4
Operating Fields	2 to 12	2 to 12	6 to 8	
Voltage (kV)	400 max	400 max	480 max	480 max
Primary Current (amps)	0-120 max	0-120 max	0-100 max	0-100 max
Secondary Voltage (kV)	>0-45 max	>0-45 max	>0-55 max	>0-55 max
Secondary Current	750 max	750 max	850 max	650 max



max
(mA)

Spark variable variable variable
variable
Rate

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 24: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 200.7

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The fabric filters at the facility shall be inspected at least once each week. This pertains to the fabric filters associated with the air exhausts from the following emission sources: coal crushers, bunkers, the two vacuum pumps, and the two fly ash storage silos. The following information shall be recorded after each inspection: the date and time of the inspection, any problems found, and any maintenance performed.

Monitoring Frequency: WEEKLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 25: Emission Unit Definition
Effective for entire length of Permit



Applicable Federal Requirement:6NYCRR 201-6

Item 25.1:

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

Emission Unit: U-D0001

Emission Unit Description:

DANSKAMMER UNIT #1 IS A 65 MW COMBUSTION ENGINEERING TANGENTIALLY FIRED STEAM GENERATING BOILER. THE UNIT BEGAN COMMERCIAL OPERATION IN 1951 WITH THE ABILITY TO BURN BITUMINOUS COAL AND WAS MODIFIED IN 1971 TO BURN NO 6 OIL AND NATURAL GAS.

Building(s): D1

Item 25.2:

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

Emission Unit: U-D0002

Emission Unit Description:

DANSKAMMER UNIT #2 IS A 65 MW COMBUSTION ENGINEERING TANGENTIALLY FIRED STEAM GENERATING BOILER. THE UNIT BEGAN COMMERCIAL OPERATION IN 1954 WITH THE ABILITY TO BURN NATURAL GAS AND BITUMINOUS COAL AND WAS MODIFIED IN 1971 TO BURN NO 6 OIL AND NATURAL GAS.

Building(s): D2

Item 25.3:

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

Emission Unit: U-D0003

Emission Unit Description:

DANSKAMMER UNIT #3 IS A 135 MW COMBUSTION ENGINEERING TANGENTIALLY FIRED STEAM GENERATING BOILER. THE UNIT BEGAN COMMERCIAL OPERATION IN 1959 (BURNING BITUMINOUS COAL), BUT WAS CONVERTED TO RESIDUAL OIL FIRING IN 1971. THE UNIT OPERATED ON OIL UNTIL A RECONVERSION TO COAL IN 1987. THE UNIT RETAINS THE CAPABILITY TO BURN ALL THREE FUELS.

Building(s): D3/D4

Item 25.4:

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

Emission Unit: U-D0004

Emission Unit Description:

DANSKAMMER UNIT #4 IS A 235 MW COMBUSTION ENGINEERING TANGENTIALLY FIRED STEAM GENERATING BOILER. THE UNIT BEGAN



COMMERCIAL OPERATION IN 1967 (PRESSURIZED COAL FIRING), BUT WAS CONVERTED TO RESIDUAL OIL FIRING IN 1970. THE UNIT OPERATED ON OIL UNTIL A RECONVERSION TO COAL IN 1987. THE UNIT RETAINS THE CAPABILITY TO BURN ALL THREE FUELS.

Building(s): D3/D4

Item 25.5:

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

Emission Unit: U-D0007

Emission Unit Description:

EMISSION UNIT #7 IS COMPRISED OF THE FACILITY'S COAL UNLOADING AND HANDLING FACILITIES. COAL IS DELIVERED VIA RAIL AND MARINE VESSELS AND OFFLOADED TO A LARGE OUTDOOR STORAGE PILE. THE COAL IS TRANSFERRED FROM THIS ACTIVE PILE (VIA COVERED CONVEYORS) TO COAL CRUSHERS AND MILLS (OPERATED AT NEGATIVE PRESSURE) WHICH GRIND THE COAL AND FEED IT DIRECTLY INTO THE FIRING AREAS OF UNITS #3 AND #4. A RESERVE COAL PILE, MAINTAINED BY TRUCK, SERVES AS AN ADDITIONAL SOURCE OF COAL IN CASE OF INTERRUPTIONS IN COAL DELIVERIES OR SUPPLY.

Building(s): D3/D4

Item 25.6:

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

Emission Unit: U-D0008

Emission Unit Description:

EMISSION UNIT #8 IS COMPRISED OF THE FACILITY'S FLY AND BOTTOM ASH HANDLING FACILITIES AND SOLID WASTE MANAGEMENT (SWM) FACILITY. IN ADDITION TO FLY AND BOTTOM ASH, THE SWM FACILITY IS USED TO DISPOSE OF WATER TREATMENT SLUDGES AND PYRITES.

Condition 26: Compliance Certification
Effective for entire length of Permit

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

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: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

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

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 27: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(1)

Item 27.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-D0001

Emission Unit: U-D0002

Emission Unit: U-D0003

Emission Unit: U-D0004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of 0.10 pounds per million BTU heat input from any stationary combustion installation with a maximum heat input capacity exceeding 250 million BTU per hour using oil. The facility shall perform emission testing on Unit 1 or 2 in order to ascertain compliance with this limit. Within 180 days of issuance of the Title V permit Renewal, the facility shall submit to the Department a test protocol of the methods and procedures to be used. After Department approval of the test protocol, the facility shall perform the test.

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: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 28: Compliance Certification
Effective for entire length of Permit

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

Item 28.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-D0001	Emission Point: 00001
Emission Unit: U-D0002	Emission Point: 00002
Emission Unit: U-D0003	Emission Point: 00003
Emission Unit: U-D0004	Emission Point: 00004

Item 28.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average utilizing a continuous opacity monitor (COM).

Manufacturer Name/Model Number: CEM

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 29: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 227-1.4(b)

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES



Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of Units 1, 2, 3, and 4 shall submit an accurate excess opacity emissions and continuous opacity monitoring system (COMS) report to the Department for each calendar year quarter. All reports shall be certified by a responsible corporate official as true, accurate and complete and postmarked by the 60th day following the end of each calendar quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the Department and shall include the following minimum information:

- (1) The magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not exceed 27 percent;
- (2) For each period of excess emission, specific identification of the cause and corrective action taken;
- (3) Identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;
- (4) The total time in which the COMS are required to record data during the reporting period;
- (5) The total number of exceedances and the duration of exceedances expressed as a percentage of the total time in which the COMS are required to record data; and
- (6) Such other things as the Department may deem necessary, proper or desirable in order to enforce Article 19 of the Environmental Conservation Law or the rules promulgated thereunder.

Item (6) includes the Opacity Incident Report (OIR) which shall be prepared for each excess opacity event. Each OIR shall include a description of the sequence of events, an explanation of the cause of the event, a description of the corrective actions taken and any appropriate preventive measures.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 30: Compliance Certification
Effective for entire length of Permit

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

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and/or operator must use the system averaging equation, attached to the Title V permit, as specified in the "NOx Emissions Compliance Plan For Central Hudson Gas & Electric Corporation" (dated November 1993), as approved by the Department (as per the April 29, 1994 letter), in order to comply with NOx emission limitations. The following power generating units are included in the plan: Roseton 1 and 2, and Danskammer 1, 2, 3, and 4. The NOx emission limit to be used in the averaging equation for each generating unit is 0.25 pounds per million BTU when burning gas or oil, and 0.42 pounds per million BTU when burning coal. During the ozone season (May 1 to September 30) of each year, a 24 hour weighted average of all generating units must be used to calculate the system wide NOx emission limit. During the remainder of the year, a 30 day rolling average may be used.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 31: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 227-2.6(b)(3)(i)

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:

For Units 1, 2, 3, and 4 the owner and/or operator shall:

(a) calculate all 24-hour daily arithmetic average NO_x emission rates from block hourly arithmetic emission rate averages calculated using data points generated by the CEMS and expressed in terms of pounds of NO_x per million BTU;

(b) demonstrate compliance with the appropriate emission limit by using CEMS for measuring NO_x and calculating a 24-hour daily arithmetic average NO_x emission rate using 40 CFR 60, Appendix A, Method 19. A 30 day rolling average may be used to demonstrate compliance with the appropriate emission limit from October 1 to April 30;

(c) determine the 24-hour daily arithmetic average NO_x emission rate based on the arithmetic average of the block hourly arithmetic average emission rates during each 24 hour daily period from 12:00 a.m. to 12:00 a.m. the following day using CEMS data. The block hourly arithmetic average emission rate shall be calculated for each one hour period starting with the period 12:00 a.m. to 1:00 a.m. and continuing through the last period 11:00 p.m. to 12:00 a.m., or starting with the period 12:00 p.m. to 1:00 p.m. and continuing through the last period 11:00 a.m. to 12:00 p.m. The 30 day rolling average shall be the average of the 24 hour daily arithmetic NO_x emission rates for a 30 day period: and

(d) use at least three data points, collected at 15 minute intervals, to calculate the block hourly arithmetic average emission rates to be used in calculating the 24 hour daily arithmetic average NO_x emission rate.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 32: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 6NYCRR 227-2.6(b)(4)(iv)

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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



Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Following each calendar quarter, for Units 1, 2, 3, and 4, the owner and/or operator shall tabulate and summarize applicable emission, monitoring, and operating parameter measurements (including but not limited to type and fuel burned daily, heat content of the fuel, total heating value of the fuel consumed daily, the actual NO_x emission rate, the allowable NO_x emission rate, and the summation of the units included in the averaging scheme), and any of the following operating parameters which are applicable, recorded during the preceding three months. Such quarterly summaries must be submitted within 30 days after the end of each calendar quarter in a format acceptable to the Department, and include at a minimum:

- (a) the average NO_x emission rate;
- (b) identification of the operating days where NO_x emissions data is not included in the calculation of the average emission rate and the reasons for not including that data; and
- (c) the results of the daily NO_x continuous emission monitor drift test and accuracy assessments as required by 40 CFR 60 Appendix F and any additional data quality requirements determined appropriate by the Department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 33: Permit Requirements
Effective for entire length of Permit**

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

Item 33.1:

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

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

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



CAIR permit.

**Condition 34: Monitoring requirements
Effective for entire length of Permit**

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

Item 34.1:

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

**Condition 35: NO_x Ozone Season Emission Requirements
Effective for entire length of Permit**

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

Item 35.1:

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

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

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

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

A CAIR NO_x Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NO_x Ozone Season Trading Program. No provision of the CAIR NO_x Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under section 243-1.5 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

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

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NO_x Ozone Season allowance to or from a CAIR NO_x Ozone Season source's



compliance account is incorporated automatically in any CAIR permit of the source.

**Condition 36: Excess emission requirements
Effective for entire length of Permit**

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

Item 36.1:

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

(1) the owners and operators of the source and each CAIR NO_x Ozone Season unit at the source shall surrender the CAIR NO_x Ozone Season allowances required for deduction under section 243-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law; and

(2) each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.

**Condition 37: Recordkeeping and reporting requirements
Effective for entire length of Permit**

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

Item 37.1:

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

(i) The certificate of representation under section 243-2.4 for the CAIR designated representative for the source and each CAIR NO_x Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under section 243-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with Subpart 243-8, provided that to the extent that Subpart 243-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

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

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

Condition 38: Authorization and responsibilities of CAIR designated



representative
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 243-2.1

Item 38.1:

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

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

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

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

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

Condition 39: Certificate of representation
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 243-2.4

Item 39.1:

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



thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

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

- (i) during the period that the unit is covered by an exemption under section 243-1.5 that is in effect;
- (ii) the owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the department for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or
- (iii) the CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with section 243-8.2(d)(3)(i).

**Condition 42: Quarterly reports
Effective for entire length of Permit**

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

Item 42.1:

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

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

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

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

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



addition to the NO_x mass emission data, heat input data, and other information required by this Subpart.

**Condition 43: Compliance certification
Effective for entire length of Permit**

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

Item 43.1:

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

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

**Condition 44: CAIR NO_x Annual Trading Program General Conditions
Effective for entire length of Permit**

Applicable Federal Requirement: 6NYCRR 244-1

Item 44.1:

- 1) As of midnight of March 1, or midnight of the first business day thereafter if March 1 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NO_x allowances available for compliance deductions for the previous control period (January 1 through December 31), in an amount not less than the total tons of nitrogen oxides emissions from all CAIR NO_x units at the source during that control period. A CAIR NO_x allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated. [244-1.6(c)(1), 244-1.2(b)(5), 244-1.2(b)(36), 244-1.6(c)(3)]
- 2) The owners and operators shall hold in their compliance account, CAIR NO_x allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting a CAIR NO_x unit's monitor certification requirements under section 244-8.1(b)(1), (2), or (5) and for each control period thereafter. [244-1.6(c)(2)]
- 3) If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, the owners and operators of the CAIR NO_x source shall surrender the CAIR NO_x allowances required for deduction under 6NYCRR Part 244-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this permit, the Act, and applicable State law. [(244-1.6(d))]



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

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

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

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

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

**Condition 45: Designated CAIR Representative
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 244-2

Item 45.1:

1) Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 244-2.2, with regard to all matters under the CAIR NO_x Annual Trading Program. The CAIR designated representative shall be selected by an agreement binding on the owners and operators of the source and act in accordance with the certification statement in 6NYCRR Part 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 244-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO_x source represented in all matters pertaining to the CAIR NO_x Annual Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source. [244-2.1(a), (b) & (c)]

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



Condition 46: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 244-8

Item 46.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting NOX emissions

- (1) The owners and operators, and to the extent applicable, the CAIR designated representative shall comply with all recordkeeping and reporting requirements in this condition, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6NYCRR Part 244-2.1(e)(1).
- (2) The CAIR designated representative shall submit quarterly reports of the the NOx mass emissions data and heat input data for each CAIR NOx unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under 6NYCRR Part 244-8.1(b), unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008.
- (3) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).
- (4) For CAIR NOx units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Ozone Season Trading Program, CAIR SO2 Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by this



Subpart.

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

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

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

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

(7) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 6NYCRR Part 244-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b) . Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NO_x monitoring



system under appendix E to 40 CFR part 75, under 6NYCRR Part 244-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6). [224-8.2(d)(2)]

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

**Condition 47: CAIR SO2 Trading Program General Provisions
Effective for entire length of Permit**

Applicable Federal Requirement: 6NYCRR 245-1

Item 47.1:

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

2) The owners and operators shall hold in their compliance account, CAIR SO allowances available for compliance deductions for the control period starting on the later of January 1, 2010 or the deadline for meeting a CAIR SO2 unit's monitor certification requirements under section 245-8.1(b)(1), (2), or (5) and for each control period thereafter. [245-1.6(c)(2)]

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

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

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

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 245-8, provided that to



the extent that 6NYCRR Part 245-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

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

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

**Condition 48: Designated CAIR Representative
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 245-2

Item 48.1:

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

(2) Each submission under the CAIR SO₂ Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR SO₂ source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [245-2.1(e)]

**Condition 49: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 245-8

Item 49.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 49.2:



Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting SO₂ emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR SO₂ unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such requirements, the definitions in section 245-1.2 and 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR SO₂ unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO₂ unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO₂ unit. [245-8.1]

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

(i) install all monitoring systems required under this Subpart for monitoring SO₂ mass emissions and individual unit heat input (including all systems required to monitor SO₂ concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.11 and 40 CFR 75.16);

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

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

3) The owner or operator shall meet the monitoring system certification and other requirements of section 245-8.1(a)(1) and (2) on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the monitoring systems under section 245-8.1(a)(1) on and after the following dates.
[245-8.1(b)]

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

(ii) For the CAIR SO₂ unit that commences commercial operation on or after July 1, 2008, by the later of the



following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

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

5) Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in Subpart D of or appendix D to 40 CFR Part 75. [245-8.3(a)]

6) The CAIR designated representative shall comply with all recordkeeping and reporting requirements in section 245-8.3, the applicable recordkeeping and reporting requirements in Subparts F and G of 40 CFR Part 75, and the requirements of section 245-2.1(e)(1). [245-8.5(a)]

7) The owner or operator of a CAIR SO₂ unit shall comply with requirements of 40 CFR 75.62 for monitoring plans. [245-8.5(b)]

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



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9) The CAIR designated representative shall submit quarterly reports of the SO₂ mass emissions data and heat input data for each CAIR SO₂ unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with: [245-8.5(d)(1)]

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

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

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

11) For CAIR SO₂ units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the SO₂ mass emission data, heat input data, and other information required by this Subpart. [245-8.5(d)(3)]

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

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

ii) for a unit with add-on SO₂ emission controls and for all hours where SO₂ data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B



to 40 CFR Part 75 and the substitute data values do not systematically underestimate SO₂ emissions.

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

Condition 50: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 72.9, Subpart A

Item 50.1:

The Compliance Certification activity will be performed for the Facility.

Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owners and operators of Units 1, 2, 3, and 4 shall have an Acid Rain Permit and shall operate these units in compliance with the Acid Rain Permit. The Acid Rain Permit shall be attached to and part of the Title V permit. For Units 1, 2, 3, and 4, the facility must comply with the Acid Rain emission limitations or reduction requirements for SO₂ and NO_x and with the monitoring requirements of 40 CFR 75.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 51: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.10(a), Subpart B

Item 51.1:

The Compliance Certification activity will be performed for the Facility.

Item 51.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The owner or operator shall measure opacity and all SO₂, NO_x, and CO₂ emissions for each affected unit as follows:

(1) The owner or operator shall install, certify, operate, and maintain, in accordance with all the



requirements of this part, a SO₂ CEMS and a flow monitoring system with the automated data acquisition and handling system for measuring and recording SO₂ concentration (in ppm), volumetric gas flow (in scfh), and SO₂ mass emissions (in lb/hr) discharged to the atmosphere, except as provided in §§75.11 and 75.16 and subpart E of this part;

(2) The owner or operator shall install, certify, operate, and maintain, in accordance with all the requirements of this part, a NO_x CEMS (consisting of a NO_x pollutant concentration monitor and an O₂ or CO₂ diluent gas monitor) with the automated data acquisition and handling system for measuring and recording NO_x concentration (in ppm), O₂ or CO₂ concentration (in percent O₂ or CO₂) and NO_x emission rate (in lb/mmBtu) discharged to the atmosphere. The owner or operator shall account for total NO_x emissions, both NO and NO₂, either by monitoring for both NO and NO₂ or by monitoring for NO only and adjusting the emissions data to account for NO₂;

(3) The owner or operator shall install, certify, operate, and maintain, in accordance with all the requirements of this part, a CO₂ CEMS and a flow monitoring system with the automated data acquisition and handling system for measuring and recording CO₂ concentration (in ppm or percent), volumetric gas flow (in scfh), and CO₂ mass emissions (in tons/hr) discharged to the atmosphere;

(4) The owner or operator shall install, certify, operate, and maintain, in accordance with all the requirements in this part, a continuous opacity monitoring system with the automated data acquisition and handling system for measuring and recording the opacity of emissions (in percent opacity) discharged to the atmosphere.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
Subsequent reports are due every 3 calendar month(s).

Condition 52: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.10(b), Subpart B

Item 52.1:

The Compliance Certification activity will be performed for the Facility.

Item 52.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

Primary Equipment Performance Requirements. The owner or operator shall ensure that each CEMS required by this part meets the equipment, installation, and performance specifications in Appendix A to this part; and is maintained according to the quality assurance and quality control procedures in Appendix B to this part; and shall record SO₂ and NO_x emissions in the appropriate units of measurement (i.e., lb/hr for SO₂ and lb/mmBtu for NO_x).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 53: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.10(c), Subpart B

Item 53.1:

The Compliance Certification activity will be performed for the Facility.

Item 53.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Heat Input Measurement Requirement. The owner or operator shall determine and record the heat input to each affected unit for every hour or part of an hour any fuel is combusted following the procedures in Appendix F to this part.

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 54: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.10(d), Subpart B

Item 54.1:

The Compliance Certification activity will be performed for the Facility.

Item 54.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES



Monitoring Description:

Primary equipment hourly operating requirements. The owner or operator shall ensure that all continuous emission and opacity monitoring systems required by this part are in operation and monitoring unit emissions or opacity at all times that the affected unit combusts any fuel except as provided in §75.11(e) and during periods of calibration, quality assurance, or preventive maintenance, performed pursuant to §75.21 and appendix B of this part, periods of repair, periods of backups of data from the data acquisition and handling system, or recertification performed pursuant to §75.20. The owner or operator shall also ensure, subject to the exceptions above in this paragraph, that all continuous opacity monitoring systems required by this part are in operation and monitoring opacity during the time following combustion when fans are still operating, unless fan operation is not required to be included under any other applicable Federal, State, or local regulation, or permit. The owner or operator shall ensure that the following requirements are met:

(1) The owner or operator shall ensure that each CEMS and component thereof is capable of completing a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-min interval. The owner or operator shall reduce all SO₂ concentrations, volumetric flow, SO₂ mass emissions, SO₂ emission rate in lb/mmBtu (if applicable), CO₂ concentration, O₂ concentration, CO₂ mass emissions (if applicable), NO_x concentration, and NO_x emission rate data collected by the monitors to hourly averages. Hourly averages shall be computed using at least one data point in each fifteen minute quadrant of an hour, where the unit combusted fuel during that quadrant of an hour. Notwithstanding this requirement, an hourly average may be computed from at least two data points separated by a minimum of 15 minutes (where the unit operates for more than one quadrant of an hour) if data are unavailable as a result of the performance of calibration, quality assurance, or preventive maintenance activities pursuant to §75.21 and appendix B of this part, backups of data from the data acquisition and handling system, or recertification, pursuant to §75.20. The owner or operator shall use all valid measurements or data points collected during an hour to calculate the hourly averages. All data points collected during an hour shall be, to the extent practicable, evenly spaced over the hour.

(2) The owner or operator shall ensure that each continuous opacity monitoring system is capable of completing a minimum of one cycle of sampling and analyzing for each successive 10-sec period and one cycle of data recording for each successive 6-min period. The



owner or operator shall reduce all opacity data to 6-min averages calculated in accordance with the provisions of part 51, appendix M of this chapter, except where the applicable State implementation plan or operating permit requires a different averaging period, in which case the State requirement shall satisfy this Acid Rain Program requirement.

(3) Failure of an SO₂, CO₂ or O₂ pollutant concentration monitor, flow monitor, or NO_x CEMS, to acquire the minimum number of data points for calculation of an hourly average in paragraph (d)(1) of this section, shall result in the failure to obtain a valid hour of data and the loss of such component data for the entire hour. An hourly average NO_x or SO₂ emission rate in lb/mmBtu is valid only if the minimum number of data points are acquired by both the pollutant concentration monitor (NO_x or SO₂) and the diluent monitor (CO₂ or O₂). Except for SO₂ emission rate data in lb/mmBtu, if a valid hour of data is not obtained, the owner or operator shall estimate and record emission or flow data for the missing hour by means of the automated data acquisition and handling system, in accordance with the applicable procedure for missing data substitution in subpart D of this part.

Monitoring Frequency: CONTINUOUS

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 55: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement:40CFR 75.13(a), Subpart B

Item 55.1:

The Compliance Certification activity will be performed for the Facility.

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall meet the general operating requirements in 40 CFR 75-B.10 for a CO₂ continuous emission monitoring system and flow monitoring system for each affected unit. The owner or operator shall also comply with the applicable provisions specified in 40 CFR 75-B.11 (a) through (e) or 40 CFR B-16, except the phrase "SO₂ continuous emission monitoring system" is replaced with "CO₂ continuous emission monitoring system," the term



"maximum potential concentration for SO₂" is replaced with "maximum CO₂ concentration," and the phrase "SO₂ mass emissions" is replaced with "CO₂ mass emissions."

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 56: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.20, Subpart C

Item 56.1:

The Compliance Certification activity will be performed for the Facility.

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Whenever the owner or operator makes a replacement, modification, or change in the certified continuous emission monitoring system or continuous opacity monitoring system (which includes the automated data acquisition and 230 handling system, and, where applicable, the CO₂ continuous emission monitoring system), that significantly affects the ability of the system to measure or record the SO₂ concentration, volumetric gas flow, SO₂ mass emissions, NO_x emission rate, CO₂ concentration, or opacity, or to meet the requirements of appendix B of this 40 CFR 75, the owner or operator shall recertify the continuous emission monitoring system, continuous opacity monitoring system, or component thereof according to the procedures in 40 CFR 75. Examples of changes which require recertification include: replacement of the analytical method, including the analyzer; change in location or orientation of the sampling probe or site; rebuilding of the analyzer or all monitoring system equipment; and replacement of an existing continuous emission monitoring system or continuous opacity monitoring system.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 57: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:40CFR 75.64(a), Subpart G

Item 57.1:



The Compliance Certification activity will be performed for the Facility.

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The designated representative for an affected unit shall electronically report the data and information indicated below to the United States Environmental Protection Agency (US EPA) quarterly. Each report must be submitted within 30 days following the end of each calendar quarter and shall include:

- (1) The information and hourly data required in 40 CFR 75.50 through 75.52 (or 75.54 through 75.56), excluding descriptions of adjustments, corrective action, and maintenance; information which is incompatible with electronic reporting (e.g., field data sheets, lab analyses, quality control plan); opacity data listed in 40 CFR 75.50(f) or 75.54(f); for units with SO₂ or NO_x add-on emission controls that do not elect to use the approved site-specific parametric monitoring procedures for calculation of substitute data, the information in 40 CFR 75.55(b)(3); and the information recorded under 40 CFR 75.56(a)(7) for the period prior to January 1, 1996.
- (2) Tons (rounded to the nearest tenth) of SO₂ emitted during the quarter and cumulative SO₂ emissions for the calendar year.
- (3) Average NO_x emission rate (pounds per million BTU, rounded to the nearest hundredth) during the quarter and cumulative NO_x emission rate for the calendar year.
- (4) Tons of CO₂ emitted during the quarter and cumulative CO₂ emissions for the calendar year.
- (5) Total heat input (million BTU) for the quarter and cumulative heat input for the calendar quarter.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**** Emission Unit Level ****

Condition 58: Emission Point Definition By Emission Unit



Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 201-6

Item 58.1:

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

Emission Unit: U-D0001

Emission Point: 00001

Height (ft.): 220

Diameter (in.): 144

NYTMN (km.): 4602.946 NYTME (km.): 586.327 Building: D1

Item 58.2:

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

Emission Unit: U-D0002

Emission Point: 00002

Height (ft.): 220

Diameter (in.): 144

NYTMN (km.): 4602.926 NYTME (km.): 586.318 Building: D2

Item 58.3:

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

Emission Unit: U-D0003

Emission Point: 00003

Height (ft.): 240

Diameter (in.): 113

NYTMN (km.): 4602.907 NYTME (km.): 586.308 Building: D3/D4

Item 58.4:

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

Emission Unit: U-D0004

Emission Point: 00004

Height (ft.): 240

Diameter (in.): 151

NYTMN (km.): 4602.885 NYTME (km.): 586.295 Building: D3/D4

Item 58.5:

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

Emission Unit: U-D0007

Emission Point: 1007A

Height (ft.): 25

Diameter (in.): 27

NYTMN (km.): 4602.785 NYTME (km.): 586.219

Emission Point: 1007B

Height (ft.): 20

Diameter (in.): 22

NYTMN (km.): 4602.798 NYTME (km.): 586.206



Item 58.6:

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

Emission Unit: U-D0008

Emission Point: 02007

Height (ft.): 60 Diameter (in.): 14
NYTMN (km.): 4602.982 NYTME (km.): 586.253

Emission Point: 02008

Height (ft.): 60 Diameter (in.): 14
NYTMN (km.): 4602.945 NYTME (km.): 586.237

Emission Point: 02009

Height (ft.): 8 Diameter (in.): 6
NYTMN (km.): 4602.918 NYTME (km.): 586.222

Emission Point: 02010

Height (ft.): 8 Diameter (in.): 6
NYTMN (km.): 4602.88 NYTME (km.): 586.197

**Condition 59: Process Definition By Emission Unit
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 201-6

Item 59.1:

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

Emission Unit: U-D0001

Process: D10 Source Classification Code: 1-01-004-01

Process Description:

THE COMBUSTION OF NO. 6 OIL. THE HEAT
INPUT RATING OF THE BOILER IS 900 MMBTU/HR
FOR NO. 6 OIL FIRING. PARTICULATE EMISSIONS
ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC
PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED
THROUGH THE USE OF LOW EXCESS AIR AND
COMBUSTION AIR MANIPULATION.

Emission Source/Control: SD001 - Combustion

Emission Source/Control: CD001 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.2:

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

Emission Unit: U-D0001

Process: D1G Source Classification Code: 1-01-006-01

Process Description:

THE COMBUSTION OF NATURAL GAS. THE HEAT
INPUT RATING OF THE BOILER IS 900 MMBTU/HR



FOR NATURAL GAS FIRING. EMISSIONS OF NOX
ARE REDUCED THROUGH THE USE OF LOW EXCESS
AIR COMBUSTION AIR MANIPULATION.

Emission Source/Control: SD001 - Combustion

Item 59.3:

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

Emission Unit: U-D0002

Process: D20

Source Classification Code: 1-01-004-01

Process Description:

THE COMBUSTION OF NO. 6 OIL. THE HEAT
INPUT RATING OF THE BOILER IS 900 MMBUT/HR
FOR NO 6 OIL FIRING. PARTICULATE EMISSIONS
ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC
PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED
THROUGH THE USE OF COMBUSTION AIR
MANIPULATION THROUGH THE WINDBOX.

Emission Source/Control: SD002 - Combustion

Emission Source/Control: CD002 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.4:

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

Emission Unit: U-D0002

Process: D2G

Source Classification Code: 1-01-006-01

Process Description:

THE COMBUSTION OF NATURAL GAS. THE HEAT
INPUT RATING OF THE BOILER IS 900 MMBTU/HR
FOR NATURAL GAS FIRING. EMISSIONS OF NOX
ARE REDUCTED THROUGH THE USE OF LOW EXCESS
AIR AND COMBUSTION AIR MANIPULATION.

Emission Source/Control: SD002 - Combustion

Item 59.5:

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

Emission Unit: U-D0003

Process: D30

Source Classification Code: 1-01-004-01

Process Description:

THE COMBUSTION OF NO. 6 OIL. THE HEAT
INPUT RATING OF THE BOILER IS 1034 MMBTU/HR
FOR NO 6 OIL FIRING. PARTICULATE
EMISSIONS ARE CONTROLLED BY A COLD SIDE
ELECTROSTATIC RECIPITATOR. EMISSIONS OF
NOX ARE REDUCED THROUGH THE USE OF
SEPARATED OVERFIRE AIR, "BURNERS OUT OF
SERVICE" (BOOS), AND LOW NOX BURNERS.



Emission Source/Control: SD003 - Combustion

Emission Source/Control: CD003 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.6:

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

Emission Unit: U-D0003
Process: D3C Source Classification Code: 1-01-002-12
Process Description:

THE COMBUSTION OF COAL. THE HEAT INPUT RATING OF THE BOILER IS 1348 MMBTU/HR FOR COAL FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF SEPARATED OVERFIRE AIR, "BURNERS OUT OF SERVICE" (BOOS), AND LOW NOX BURNERS.

Emission Source/Control: SD003 - Combustion

Emission Source/Control: CD003 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.7:

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

Emission Unit: U-D0003
Process: D3G Source Classification Code: 1-01-006-01
Process Description:

THE COMBUSTION OF NATURAL GAS. THE HEAT INPUT RATING OF THE BOILER IS 1167 MMBTU/HR FOR NATURAL GAS FIRING. EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF SEPARATED OVERFIRE AIR, "BURNERS OUT OF SERVICE" (BOOS), AND LOW NOX BURNERS.

Emission Source/Control: SD003 - Combustion

Item 59.8:

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

Emission Unit: U-D0004
Process: D40 Source Classification Code: 1-01-004-01
Process Description:

THE COMBUSTION OF NO. 6 OIL. THE HEAT INPUT RATING OF THE BOILER IS 2004 MMBTU/HR FOR NO 6 OIL FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF



SEPARATED OVERFIRE AIR, "BURNERS OUT OF SERVICE" (BOOS), AND LOW NOX BURNERS.

Emission Source/Control: SD004 - Combustion

Emission Source/Control: CD004 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.9:

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

Emission Unit: U-D0004
Process: D4C
Source Classification Code: 1-01-002-12
Process Description:

THE COMBUSTION OF COAL. THE HEAT INPUT RATING OF THE BOILER IS 2512 MMBTU/HR FOR COAL FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF SEPARATED OVERFIRE AIR, "BURNERS OUT OF SERVICE" (BOOS), AND LOW NOX BURNERS.

Emission Source/Control: SD004 - Combustion

Emission Source/Control: CD004 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 59.10:

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

Emission Unit: U-D0004
Process: D4G
Source Classification Code: 1-01-006-01
Process Description:

THE COMBUSTION OF NATURAL GAS. THE HEAT INPUT RATING OF THE BOILER IS 2397 MMBTU/HR FOR NATURAL GAS FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC PRECIPITATOR. EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF SEPARATED OVERFIRE AIR, "BURNERS OUT OF SERVICE" (BOOS), AND LOW NOX BURNERS.

Emission Source/Control: SD004 - Combustion

Item 59.11:

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

Emission Unit: U-D0007
Process: C01
Source Classification Code: 3-05-010-44
Process Description:

COAL IS DELIVERED TO THE SITE VIA RAILCARS AND/OR MARINE VESSELS. THE COAL IS



UNLOADED USING A SERIES OF CONVEYORS AND TRANSFERRED TO THE FACILITY'S ACTIVE STORAGE PILE.

Emission Source/Control: CD011 - Control
Control Type: DUST SUPPRESSION BY WATER SPRAY

Emission Source/Control: SDHND - Process
Design Capacity: 2,200 tons per hour

Item 59.12:

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

Emission Unit: U-D0007
Process: C02 Source Classification Code: 3-05-010-43
Process Description:
COAL IS LOADED (DROP LOADED) ON TO THE FACILITY'S ACTIVE AND RESERVE STORAGE PILES VIA CONVEYOR BELT AND TRUCKS RESPECTIVELY.

Emission Source/Control: SDHND - Process
Design Capacity: 2,200 tons per hour

Item 59.13:

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

Emission Unit: U-D0007
Process: C03 Source Classification Code: 3-05-010-11
Process Description:
COAL IS TRANSFERRED BY BULLDOZER TO CONVEYOR HOPPER AND CONVEYED TO THE COAL CRUSHER.

Emission Source/Control: SDTRN - Process
Design Capacity: 2,000 tons per hour

Item 59.14:

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

Emission Unit: U-D0007
Process: C04 Source Classification Code: 3-05-010-17
Process Description:
COAL IS CRUSHED PRIOR TO BEING CONVEYED TO STORAGE BUNKERS. FROM THE STORAGE BUNKER THE COAL IS CONVEYED TO COAL MILLS. EMISSIONS FROM BOTH THE STORAGE BUNKERS AND CRUSHERS ARE CONTROLLED BY BAGHOUSES (FABRIC FILTERS).

Emission Source/Control: CD005 - Control
Control Type: FABRIC FILTER

Emission Source/Control: CD006 - Control



Control Type: FABRIC FILTER

Emission Source/Control: SDCRS - Process
Design Capacity: 2,200 tons per hour

Emission Source/Control: SDSTO - Process

Item 59.15:

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

Emission Unit: U-D0008

Process: F01

Source Classification Code: 3-01-060-10

Process Description:

THE TRANSFER OF ASH FROM THE ELECTROSTATIC
PRECIPITATORS TO THE STORAGE SILOS.

Emission Source/Control: CD007 - Control
Control Type: FABRIC FILTER

Emission Source/Control: CD008 - Control
Control Type: FABRIC FILTER

Emission Source/Control: SDVP1 - Process

Emission Source/Control: SDVP2 - Process

Item 59.16:

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

Emission Unit: U-D0008

Process: F02

Source Classification Code: 3-01-060-10

Process Description: THE STORAGE OF ASH IN THE SILOS.

Emission Source/Control: CD009 - Control
Control Type: FABRIC FILTER

Emission Source/Control: CD010 - Control
Control Type: FABRIC FILTER

Emission Source/Control: SDSL1 - Process

Emission Source/Control: SDSL2 - Process

**Condition 60: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement:6NYCRR 227-1.2(a)(1)

Item 60.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0003

Emission Point: 00003

Process: D30

Emission Source: SD003



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

Item 60.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of 0.10 pounds per million BTU heat input from any stationary combustion installation with a maximum heat input capacity exceeding 250 million BTU per hour using oil. In accordance with 6NYCRR Part 202-1, the Department reserves the right to require the performance of emission testing in order to ascertain compliance with this limit. Within 30 days of receiving written notification from the Department that emission testing will be required, the facility shall submit to the Department a test protocol of the methods and procedures to be used. Within 30 days of Department approval of the test protocol, the facility shall perform the test.

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 61: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 200.6

Item 61.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0003 Emission Point: 00003
Process: D3C Emission Source: SD003

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 61.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

To ensure compliance with the national ambient air quality standard for sulfur dioxide and in accordance with the Order on Consent (Number 9599-05), sulfur dioxide



emissions, as measured by the CEMS, from Unit 3 when burning coal shall not exceed 1.1 pounds per million BTU. In addition, each delivery of coal must be sampled and analyzed for heating value (in BTU per pound) and sulfur content (in weight percent). If the heating value of the coal is less than 12,727 BTU per pound, then the sulfur content in the coal is limited to 0.7 percent by weight.

Manufacturer Name/Model Number: TECO/43B
Upper Permit Limit: 1.1 pounds per million Btus
Reference Test Method: Method 6C
Monitoring Frequency: CONTINUOUS
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
Subsequent reports are due every 6 calendar month(s).

Condition 62: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6NYCRR 200.6

Item 62.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004 Emission Point: 00004
Process: D4C Emission Source: SD004

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 62.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

To ensure compliance with the national ambient air quality standard for sulfur dioxide and in accordance with the Order on Consent (Number 9599-05), sulfur dioxide emissions, as measured by the CEMS, from Unit 4 when burning coal shall not exceed 1.1 pounds per million BTU. In addition, each delivery of coal must be sampled and analyzed for heating value (in BTU per pound) and sulfur content (in weight percent). If the heating value of the coal is less than 12,727 BTU per pound, then the sulfur content is limited to 0.7 percent by weight.

Manufacturer Name/Model Number: TECO/43B
Upper Permit Limit: 1.1 pounds per million Btus
Reference Test Method: Method 6C
Monitoring Frequency: CONTINUOUS
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



Reports due 30 days after the reporting period.
Subsequent reports are due every 6 calendar month(s).

Condition 63: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 212.4(c)

Item 63.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0007

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 63.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions from both the coal crushing and coal storage emission sources is limited to 0.050 grains per cubic foot of exhaust gas expressed at standard conditions on a dry gas basis. To achieve this emission limit, a baghouse must be utilized for the air exhausts of each of these two emission sources whenever in operation. The facility shall perform emission testing to ascertain compliance. The testing shall be performed after a test protocol of the methods and procedures to be used has been submitted to and approved by the Department.

Upper Permit Limit: 0.05 grains per standard cubic foot

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 64: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6NYCRR 212.6(a)

Item 64.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0007

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 64.2:

Compliance Certification shall include the following monitoring:



Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any emission source or emission point in the coal handling and storage operation, except only the emission of uncombined water.

In order to demonstrate compliance with this limit, the facility shall comply with the following:

1. A Method 9 must be performed on an annual basis. The Method 9 opacity readings shall be taken for a minimum of 12 minutes and when coal is being unloaded onto the conveyor.
2. Water spray of the coal must be utilized whenever coal is unloaded onto the conveyor.

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 65: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 40CFR 60.252(c), NSPS Subpart Y

Item 65.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0007

Process: C01

Emission Source: SDHND

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 65.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator shall not cause to be discharged into the atmosphere from the conveyor (for transporting coal from the marine vessels to the coal pile), emissions which exhibit 20 percent opacity or greater. Within 180 days after the Title V permit is issued, the facility shall perform a Method 9 opacity evaluation of the emissions from this conveyor when coal is being unloaded



from a marine vessel. The results of the Method 9 evaluation shall be submitted to the US EPA and the Department.

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 66: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 66.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0008

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 66.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

No person will cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any emission source or emission point in the fly ash and bottom ash handling and storage operation, except only the emission of uncombined water. The facility must perform a Method 9 opacity evaluation on an annual basis to demonstrate compliance with this limit. The Method 9 opacity readings shall be taken for a minimum of 12 minutes.

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE



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 67: Contaminant List
Effective for entire length of Permit**

Applicable State Requirement:ECL 19-0301

Item 67.1:

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

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

**Condition 68: Unavoidable noncompliance and violations
Effective for entire length of Permit**

Applicable State Requirement: 6NYCRR 201-1.4

Item 68.1:

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 69: Air pollution prohibited
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 211.2

Item 69.1:

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

**Condition 70: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 227-1.4(a)

Item 70.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 70.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following pertains to all continuous opacity monitoring systems at the facility.

1. Maintenance

Corrective maintenance activities shall be performed as needed. All corrective maintenance activities shall be documented on Corrective Action Sheets.

A preventative maintenance program shall be implemented and shall include the following activities:

Daily: Each opacity monitor automatically performs a zero and span calibration check every 24 hours according to 40 CFR 60, PS1 specifications. Daily zero and span calibration data are reviewed. The maintenance technicians correct any problems identified at this time. If the problem cannot be corrected, the CEM maintenance consultant is contacted.

Weekly: Maintenance technicians review opacity calibration



trending and six-minute opacity data trending. If a problem is suspected, the maintenance technicians take corrective action and if the problem is not, the CEM consultant is contacted.

Monthly: The CEM maintenance consultant cleans the lenses at each unit and performs any required maintenance.

Quarterly: The CEM maintenance consultant performs opacity audits according to 40 CFR 60, PS1. During the audit, the monitor alignment is checked and adjusted, if required, and the lenses are cleaned. Opacity reports are generated from the CEM systems and submitted to NYSDEC Region 3 and Central Office.

Annually: The CEM maintenance consultant performs an opacity monitor response time test in accordance with 40 CFR 60, PS1.

2. Quality Assurance

The facility shall implement a quality assurance program consisting of quarterly data reviews and bi-annual program audits. Quarterly data reviews shall be resumed during which the opacity data collected during the quarter shall be examined to assure that exceedance events are properly documented with an Opacity Incident Report (OIR) and required notifications have been made. Program audits consisting of a thorough review of the opacity monitoring program shall be conducted by June 30 and December 31 of each year. The audits shall be verified by both daily zero and span checks and annual calibration error assessments. They shall also review the documentation to assure that all records are complete, and proper documentation is maintained of all OIRs, and monitor maintenance.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first semi-annual (6 month) period following Permit Issue Date

Condition 71: Recordkeeping and Reporting Requirements Effective for entire length of Permit

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

Item 71.1:

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



to the end of 5 years, in writing by the department:

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

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

Condition 72: Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.

Effective for entire length of Permit

Applicable State Requirement: 6 NYCRR 237-2

Item 72.1: Except as provided under NYCRR 237-2.2, each NOx budget source, including all NOx budget units at the source, shall have one and only one NOx authorized account representative, with regard to all matters under the Acid Deposition Reduction (ADR) NOx Budget Trading Program concerning the source or any NOx budget unit at the source.

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

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

Each submission under the ADR NOx Budget Trading Program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is



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

**Condition 73: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement: 6NYCRR 237-4.1

Item 73.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 73.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more NO_x budget units at a source are subject to the NO_x budget emissions limitation, the NO_x authorized account representative of the source shall submit to the department by the September 30 following the relevant control period, a compliance certification report for each source covering all such units.

The NO_x authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the department, concerning each unit at the source and subject to the NO_x budget emissions limitation for the control period covered by the report:

- (1) identification of each NO_x budget unit;
- (2) except in instances when the NO_x budget unit seeks to use future control period NO_x allowances which may be deducted pursuant to NYCRR 237-6.5(f), at the NO_x authorized account representative's option, the serial numbers of the NO_x allowances that are to be deducted from each unit's compliance account under NYCRR 237-6.5 for the control period;
- (3) at the NO_x authorized account representative's option, for units sharing a common stack and having NO_x emissions that are not monitored separately or apportioned in accordance with NYCRR 237-8, the percentage of NO_x allowances that is to be deducted from each unit's compliance account under NYCRR 237-6.5(e);



(4) for units using future control period allowances for compliance purposes pursuant to NYCRR 237-6.5(f), the statement of intent and report required under NYCRR 237-6.5(f)(2); and

(5) the compliance certification under NYCRR 237-4(c).

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

(a) whether the unit was operated in compliance with the NO_x budget emissions limitation;

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

(c) whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with NYCRR 237-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(d) whether the facts that form the basis for certification under NYCRR 237-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under NYCRR 237-8, if any, has changed; and

(e) if a change is required to be reported in (4) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.



Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 74: Submission of NO_x allowance transfers
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 237-7.1

Item 74.1:

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

- (a) the numbers identifying both the transferor and transferee accounts;
- (b) a specification by serial number of each 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 75: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 237-8

Item 75.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 75.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 76: Record keeping and Reporting Requirements
Effective for entire length of Permit**

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

Item 76.1:

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

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

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

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

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

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

**Condition 77: Submissions to the Department
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 238-2.1

Item 77.1:

Each submission under the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program shall be submitted, signed, and certified by the SO₂ authorized account representative for each SO₂ budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO₂ authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO₂ budget sources or SO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this



document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

**Condition 78: Compliance Demonstration
Effective for entire length of Permit**

Applicable State Requirement: 6NYCRR 238-4.1

Item 78.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 78.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO₂ budget units at a source are subject to the SO₂ budget emissions limitation, the SO₂ authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

The SO₂ authorized account representative shall include in the compliance certification the following elements, in a format prescribed by the department, concerning each unit at the source and subject to the SO₂ budget emissions limitation for the control period covered by the report:

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



compliance purposes pursuant to NYCRR 238-6.5(f), the statement of intent and report required under NYCRR 238-6.5(f)(2); and

(5) the compliance certification under NYCRR 238-4.1(c).

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

- (a) whether the unit was operated in compliance with the SO₂ budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO₂ emissions to the unit, in accordance with Subpart 238-8;
- (c) whether all the SO₂ emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 238-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;
- (d) whether the facts that form the basis for certification under Subpart 238-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 238-8, if any, has changed; and
- (e) if a change is required to be reported under (4) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 79: Submission of SO₂ allowance transfers
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 238-7.1

Item 79.1:

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

- (a) the numbers identifying both the transferor and transferee accounts;
- (b) a specification by serial number of each SO₂ allowance to be transferred; and
- (c) the printed name and signature of the SO₂ authorized account representative of the transferor account and the date signed.

**Condition 80: Monitoring and Reporting requirements
Effective for entire length of Permit**

Applicable State Requirement:6NYCRR 238-8

Item 80.1: The owners and operators, and to the extent applicable, the SO₂ authorized account representative of an SO₂ budget unit, shall comply with the monitoring and reporting requirements as provided for in all applicable sections of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 238-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "SO₂ budget unit," and "SO₂ authorized account representative," respectively, as defined in NYCRR 238-1.2.

New York State Department of Environmental Conservation

Permit ID: 3-3346-00011/00017

Facility DEC ID: 3334600011

