



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-3346-00011/00017
Mod 0 Effective Date: 09/08/2008 Expiration Date: 09/07/2013

Mod 1 Effective Date: Expiration Date:

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

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

Facility: DANSKAMMER 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:

BART Determination.

Danskammer Unit 4

NOx: Lowering the existing emission limit from 0.42 lb/mmBtu to 0.12 lb/mmBtu (24-hr avg. during ozone season, 30-day avg. during non-ozone season) to meet NOx RACT/BART. Effective 7/1/2014.

SO2: Lowering the existing emission limit from 1.1 lb/mmBtu to 0.5 lb/mmBtu (24-hr avg.). Effective 7/1/2014.

PM: Lowering existing limit from 0.1 lb/mmBtu to 0.06 lb/mmBtu (1-hr average) Effective 7/1/2014.



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

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

Facility Level

- Submission of application for permit modification or renewal-REGION 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: 6 NYCRR 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 to the Department for approval.



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

Applicable State Requirement: 6 NYCRR 621.13

Item 1-1.1:

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

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

Condition 4: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6 NYCRR 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: 6 NYCRR 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) 256-2054



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 INC
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

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1-1 6 NYCRR 201-6.5 (a) (7): Fees
- 1-2 6 NYCRR 215.2: Open Fires - Prohibitions
- 1-3 6 NYCRR 202-1.1: Required Emissions Tests
- 25 6 NYCRR Subpart 201-6: Emission Unit Definition
- 1-4 6 NYCRR 211.1: Air pollution prohibited

Emission Unit Level

- 60 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=U-D0004

- 1-5 6 NYCRR 202-1.1: Required emission tests
- 1-6 6 NYCRR 249.3 (a): Compliance Certification
- 1-7 6 NYCRR 249.3 (a): Compliance Certification
- 1-8 6 NYCRR 249.3 (a): Compliance Certification
- 1-9 6 NYCRR 249.3 (a): Compliance Certification
- 1-10 6 NYCRR 249.3 (f): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 68 ECL 19-0301: Contaminant List
- 1-11 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-12 6 NYCRR 211.2: Visible Emissions Limited
- 72 : Recordkeeping and Reporting Requirements
- 73 : Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.
- 74 : Compliance Demonstration
- 75 : Submission of NOx allowance transfers
- 76 : Compliance Demonstration
- 77 : Record keeping and Reporting Requirements
- 78 : Submissions to the Department
- 79 : Compliance Demonstration
- 80 : Submission of SO2 allowance transfers
- 81 : 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 - 6 NYCRR 201-1.5

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

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

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

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

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

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

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



Item C: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.3 (a) (4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item D: Certification by a Responsible Official - 6 NYCRR 201-6.3 (d) (12)

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

Item E: Requirement to Comply With All Conditions - 6 NYCRR 201-6.5 (a) (2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.5 (a) (3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.5 (a) (5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item H: Property Rights - 6 NYCRR 201-6.5 (a) (6)

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



Item I: Severability - 6 NYCRR 201-6.5 (a) (9)

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

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

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

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

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is



three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

Item L: Permit Exclusion - ECL 19-0305

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



(NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item M: Federally Enforceable Requirements - 40 CFR 70.6 (b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

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

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

Condition 1-1: Fees
Effective for entire length of Permit

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

Item 1-1.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

Condition 1-2: Open Fires - Prohibitions
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 215.2

Item 1-2.1:

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 1-2.2

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used



for cooking or processing food.

(c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.

(d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.

(e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.

(f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

(g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.

(h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.

(i) Prescribed burns performed according to Part 194 of this Title.

(j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**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 1-3: Required Emissions Tests
Effective for entire length of Permit**

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 1-3.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.



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

Condition 25: Emission Unit Definition

Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 25.1(From Mod 1):

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): D4

Item 25.2(From Mod 0):

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 25.3(From Mod 0):

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

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Facility DEC ID: 3334600011



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 25.4(From Mod 0):

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 25.5(From Mod 0):

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(From Mod 0):

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 1-4: Air pollution prohibited
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 211.1

Item 1-4.1:

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.

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

Condition 60: Process Definition By Emission Unit
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 60.1(From Mod 1):

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 60.2(From Mod 1):

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

New York State Department of Environmental Conservation

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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 60.3(From Mod 1):

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 60.4(From Mod 0):

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 60.5(From Mod 0):

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

New York State Department of Environmental Conservation

Permit ID: 3-3346-00011/00017

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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 60.6(From Mod 0):

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 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 COMBUSTION AIR MANIPULATION THROUGH THE WINDBOX.

Emission Source/Control: SD002 - Combustion

Emission Source/Control: CD002 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 60.7(From Mod 0):

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 REDUCED THROUGH THE USE OF LOW EXCESS AIR AND COMBUSTION AIR MANIPULATION.

Emission Source/Control: SD002 - Combustion

Item 60.8(From Mod 0):

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

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FOR NO 6 OIL FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A COLD SIDE ELECTROSTATIC RECIPIATOR. 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 60.9(From Mod 0):

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 60.10(From Mod 0):

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 60.11(From Mod 0):

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 60.12(From Mod 0):

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 60.13(From Mod 0):

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 60.14(From Mod 0):

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).

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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 60.15(From Mod 0):

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 60.16(From Mod 0):

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 1-5: Required emission tests
Effective for entire length of Permit**

Applicable Federal Requirement:6 NYCRR 202-1.1

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Item 1-5.1:

This Condition applies to Emission Unit: U-D0004

Item 1-5.2:

An acceptable report of measured emissions shall be submitted, if requested by the commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation.

Condition 1-6: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 249.3 (a)

Item 1-6.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004

Regulated Contaminant(s):

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

Item 1-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Effective 7/1/2014

0.12 lb/mmBTU (30 day average during the non-ozone season).

Manufacturer Name/Model Number: CEM

Upper Permit Limit: 0.12 pounds per million Btus

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: 30-DAY AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 1-7: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 249.3 (a)

Item 1-7.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004

Regulated Contaminant(s):

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CAS No: 007446-09-5 SULFUR DIOXIDE

Item 1-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Effective 7/1/2014

0.5 lb/mmBTU (24-hour average).

Manufacturer Name/Model Number: CEM

Upper Permit Limit: 0.5 pounds per million Btus

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

Condition 1-8: Compliance Certification
Effective for entire length of Permit

Applicable Federal Requirement: 6 NYCRR 249.3 (a)

Item 1-8.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004

Regulated Contaminant(s):

CAS No: 000075-00-0 PARTICULATES

Item 1-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Effective 7/1/2014

0.07 lb/mmBTU

Upper Permit Limit: 0.06 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 1-9: Compliance Certification
Effective for entire length of Permit



Applicable Federal Requirement:6 NYCRR 249.3 (a)

Item 1-9.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004

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

Item 1-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Effective 7/1/2014

0.12 lb/mmBTU (24-hour average during the ozone season).

Manufacturer Name/Model Number: CEM

Upper Permit Limit: 0.12 pounds per million Btus

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC
MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 1-10: Compliance Certification
Effective for entire length of Permit**

Applicable Federal Requirement:6 NYCRR 249.3 (f)

Item 1-10.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-D0004

Item 1-10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The emission limits in this permit for NO_x, SO₂, and/or PM₁₀ established under Part 249 are based on New York's Best Available Retrofit Technology (BART) Rule (6 NYCRR Part 249), are effective on the date of this permit's issuance, and are state-enforceable. Federal enforceability of these facility-specific requirements is effective on the date on which these emission limits, as submitted to EPA as a revision to New York State's

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Implementation Plan for Regional Haze, are published in the Federal Register.

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



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

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

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

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

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

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

Condition 68: Contaminant List
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:ECL 19-0301

Item 68.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 007439-97-6
Name: MERCURY



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

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

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

**Condition 1-11: Unavoidable noncompliance and violations
Effective for entire length of Permit**

Applicable State Requirement: 6 NYCRR 201-1.4

Item 1-11.1:

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

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

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

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

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which



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

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

Condition 1-12: Visible Emissions Limited
Effective for entire length of Permit

Applicable State Requirement: 6 NYCRR 211.2

Item 1-12.1:

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

Condition 72: Recordkeeping and Reporting Requirements
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 72.1:

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

Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 73.1: 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 74: Compliance Demonstration

Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 74.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 74.2:

Compliance Demonstration shall include the following monitoring:



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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

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

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

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



including:

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

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

(c) whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with 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 75: Submission of NOx allowance transfers
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 75.1:

The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the NOx 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 NOx allowance to be transferred; and

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

Condition 76: Compliance Demonstration
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 76.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 76.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 77: Record keeping and Reporting Requirements
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 77.1:

Unless otherwise provided, the owners and operators of the SO2 budget source and each SO2

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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 78: Submissions to the Department
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 78.1:

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 79: Compliance Demonstration
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1



Item 79.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 79.2:

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 80: Submission of SO₂ allowance transfers
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:



Expired by Mod 1

Item 80.1:

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 81: Monitoring and Reporting requirements
Effective between the dates of 09/08/2008 and Permit Expiration Date

Applicable State Requirement:

Expired by Mod 1

Item 81.1: 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.

