

New York State Department of Environmental Conservation
Facility DEC ID: 3392800010



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 3-3928-00010/00039
Mod 0 Effective Date: 10/12/2001 Expiration Date: 10/12/2006
Mod 1 Effective Date: 10/06/2003 Expiration Date: 10/12/2006

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

Contact: VINCENT DEVITA
MIRANT NY-GEN LLC
FOUR EXECUTIVE BLVD SUITE 100
SUFFERN, NY 10901
(845) 786-8070

Facility: LOVETT GENERATING STATION
37 ELM ST
TOMKINS COVE, NY 10986

Contact: VINCENT DEVITA
MIRANT NY-GEN LLC
FOUR EXECUTIVE BLVD SUITE 100
SUFFERN, NY 10901
(845) 786-8070

Description:

Modification 1

The Environmental Protection Agency (EPA) received a petition from the New York Public Interest Research Group, Inc. (NYPIRG) dated November 26, 2001 requesting that EPA object to the issuance of a state operating permit, pursuant to Title V of the Clean Air Act for the Lovett Generating Station. EPA issued an "Order Granting in Part and Denying in Part Petition for Objection to Permit" on February 19, 2003. Subsequently, EPA issued a letter dated March 13, 2003 outlining permit revisions required by the Order and outlining additional issues that may require permit revisions.

A summary of changes to the Title V permit required by the February 19, 2003 USEPA Order are listed below. Information describing permit revisions associated with this modification are shown in bold.

Prepare and submit a complete statement of basis (a "permit review report") pursuant to the requirements of 40 CFR Part 70.7(a)(5). **A complete permit review report has been**



developed and is available for inspection.

Add language to clarify the requirements relating to annual compliance certification reporting. **Issued permit condition 26 expired. See modified permit condition 1-4.**

Incorporate additional prompt reporting requirements into the permit as committed in the DEC's November 16, 2002 letter. **See modified permit condition 1-18 and 1-3.**

Remove excuse provisions that cite 6 NYCRR Part 201-1.4 from the federal side of the permit and incorporate the condition into the state side. **See modified permit condition 1- 18.**

Include in the permit review report a detailed description of contaminant collection and disposition associated with the Electrostatic Precipitators and coal handling. **A complete permit review report has been developed and is available for inspection.**

Include monitoring of opacity associated with the handling of ESP flyash and collected
See modified permit conditions 1-13 and 1-14.

Modify original Title V permit condition 53 to include a complete version of the opacity compliance scheduled outlined in the August 18, 1998 Order on Consent. **Modified permit condition 1-7 replaces condition 53.**

A summary of additional issues outlined by EPA's March 13, 2003 letter which were identified as may require permit revisions are listed below. Information describing permit revisions associated with this modification are shown in bold.

Revise issued permit condition 41 - Episode Action Plan to indicate whether Lovett has completed an Episode Action Plan. **Modified permit condition 1-5 replaces permit condition 41.**

Revise issued permit condition 49 - Fuel Recordkeeping to indicate record retention for a period not less than 5 years. **Modified permit condition 1-6 replaces permit condition 49.**

Revise issued permit condition 69 - Particulate Monitoring for EU 1-00001 to indicate more frequent performance testing and establish operational ranges. **Modified permit condition 1-9 replaces permit condition 69.**

Revise issued permit conditions 71 thru 74 - PCB's and Waste-Oil for EU 1-00001 to indicate additional monitoring. **Issued permit condition 71 thru 74 as well as issued permit conditions 50 and 51 expired. See modified permit condition 1-10.**

Revise issued permit condition 79, 86 - Particulate Monitoring for EU 1-00002 and EU 1-00003 to indicate more frequent performance testing and establish op**Modified permit conditions 1-11 and 1-12 replace permit conditions 79 and 86 respectively.**

Revise issued permit condition 92, 95 - Particulate Monitoring for Coal Handling Processes to require an EPA Method 5 performance test. **Modified permit conditions 1-15 and 1-16 replace**

New York State Department of Environmental Conservation
Facility DEC ID: 3392800010



permit conditions 92 and 95 respectively.

Revise issued permit condition 94, 96 - Opacity Monitoring for Coal Handling Processes to require EPA Method 9 testing in conjunction with other monitoring. **Issued permit conditions 93 and 97 in conjunction with modified permit conditions 1-15 and 1-16 provide sufficient monitoring to support the requirement of conditions 94 and 96.**

The Modification also includes a number of standard permit condition expirations and replacements consistent with the ongoing enhancements to the implementation of NYSDEC's Title V permitting process. Each permit condition expired and new condition are identified in the permit.

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: ROBERT J STANTON
 NYS DEC DIVISION OF AIR RESOURCES
 21 SOUTH PUTT CORNERS RD
 NEW PALTZ, NY 12561-1696

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
- Applications for Permit Renewals and Modifications
- Applications for Permit Renewals and Modifications
- Permit Modifications, Suspensions and Revocations by the Department
- Permit Modifications, Suspensions, and Revocations by the Department
- Permit Modifications, Suspensions, and Revocations by the Department
- Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

- Submission of Applications for Permit Modification or Renewal-REGION 3
HEADQUARTERS



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 ReqECL 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 1-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 1-1.1:

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

Item 1-1.2:

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

Item 1-1.3:



New York State Department of Environmental Conservation
Facility DEC ID: 3392800010

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

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

Expired by Mod No: 1

Item 3.1:

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

Item 3.2:

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

Condition 1-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 1-2.1:

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

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

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

Item 6.1:

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

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



Condition 5: Permit Modifications, Suspensions, and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 5.1:

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

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

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

Item 4.1:

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

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

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

Condition 7: Submission of Applications for Permit Modification or Renewal-REGION 3 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.5(a)

Item 7.1:

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: 3-3928-00010/00039

Facility DEC ID: 3392800010

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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

Facility: LOVETT GENERATING STATION
37 ELM ST
TOMKINS COVE, NY 10986

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

Mod 0 Permit Effective Date: 10/12/2001

Permit Expiration Date: 10/12/2006



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 24 6NYCRR 201-6: Emission Unit Definition
- 1-1 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 1-2 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 25 6NYCRR 201-6.5(c)(3): Compliance Certification
- 1-3 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 1-4 6NYCRR 201-6.5(e): Compliance Certification
- 28 6NYCRR 201-6.5(g): Non Applicable requirements
- 30 6NYCRR 202-2.1: Compliance Certification
- 31 6NYCRR 202-2.5: Recordkeeping requirements
- 32 6NYCRR 204-1.6: Compliance Certification
- 33 6NYCRR 204-2.1: Submissions to the Department.
- 34 6NYCRR 204-4.1: Contents of reports and compliance certifications.
- 35 6NYCRR 204-4.1: Compliance Certification
- 36 6NYCRR 204-8.1: General provisions.
- 37 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 38 6NYCRR 204-8.3: Out of control periods.
- 39 6NYCRR 204-8.4: Compliance Certification
- 40 6NYCRR 204-8.7: Compliance Certification
- 1-5 6NYCRR 207: Compliance Certification
- 44 6NYCRR 225-1.2(a)(2): Compliance Certification
- 45 6NYCRR 225-1.2(e): Compliance Certification
- 46 6NYCRR 225-1.2(e): Compliance Certification
- 47 6NYCRR 225-1.7(c): Compliance Certification
- 48 6NYCRR 225-1.7(e): Compliance Certification
- 1-6 6NYCRR 225-1.8: Compliance Certification
- 52 6NYCRR 225-2.6(c): Sale of waste fuel prohibitions.
- 1-7 6NYCRR 227-1.3(a): Compliance Certification
- 54 6NYCRR 227-2.5: Compliance Certification
- 55 6NYCRR 227-2.6(b)(4)(iv): Compliance Certification
- 57 6NYCRR 227-3.12: Authorized Account Representatives (AARs)
- 56 6NYCRR 227-3.13: Compliance Certification
- 58 6NYCRR 227-3.15: Compliance Certification
- 59 6NYCRR 227-3.16: Compliance Certification
- 60 6NYCRR 227-3.17: Compliance Certification
- 1-8 40CFR 68: Accidental release provisions.
- 61 40CFR 72.6(a)(2), Subpart A: Compliance Certification
- 62 40CFR 75.10(a), Subpart B: Compliance Certification

Emission Unit Level

- 64 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 65 6NYCRR 201-6: Process Definition By Emission Unit

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



EU=1-00001

- 66 6NYCRR 204-8.1: Prohibitions.
- 67 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 68 6NYCRR 225-2.3(b): Compliance Certification
- 1-9 6NYCRR 227-1.2(a)(1): Compliance Certification
- 70 6NYCRR 227-2.6(a)(1): Testing, monitoring, and reporting requirements for very large boilers.

EU=1-00001,Proc=WOL

- 1-10 6NYCRR 225-2.7: Compliance Certification

EU=1-00001,EP=00003

- 75 6NYCRR 227-1.3: Compliance Certification
- 76 6NYCRR 227-1.4(b): Compliance Certification

EU=1-00002

- 77 6NYCRR 204-8.1: Prohibitions.
- 78 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 1-11 6NYCRR 227-1.2(a)(1): Compliance Certification
- 80 6NYCRR 227-2.6(a)(1): Testing, monitoring, and reporting requirements for very large boilers.

EU=1-00002,Proc=CL2,ES=00UN2

- 81 6NYCRR 227-1.2(a)(4): Compliance Certification

EU=1-00002,EP=00004

- 82 6NYCRR 227-1.3: Compliance Certification
- 83 6NYCRR 227-1.4(b): Compliance Certification

EU=1-00003

- 84 6NYCRR 204-8.1: Prohibitions.
- 85 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 1-12 6NYCRR 227-1.2(a)(1): Compliance Certification
- 87 6NYCRR 227-2.6(a)(1): Testing, monitoring, and reporting requirements for very large boilers.

EU=1-00003,Proc=CL4,ES=00UN3

- 88 6NYCRR 227-1.2(a)(4): Compliance Certification

EU=1-00003,EP=00005

- 89 6NYCRR 227-1.3: Compliance Certification
- 90 6NYCRR 227-1.4(b): Compliance Certification

EU=1-ASHND

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



1-13 6NYCRR 211.3: Compliance Certification

EU=1-CLHND

1-14 6NYCRR 211.3: Compliance Certification

91 40CFR 60.252(c), NSPS Subpart Y: Particulate matter standard.

EU=1-CLHND,EP=00041

1-15 6NYCRR 212.3(b): Compliance Certification

93 6NYCRR 212.4(a): Compliance Certification

94 6NYCRR 212.6(a): Compliance Certification

EU=1-CLHND,EP=00051

1-16 6NYCRR 212.3(b): Compliance Certification

96 6NYCRR 212.6(a): Compliance Certification

EU=1-CLHND,EP=00051,Proc=P01,ES=0SHRB

97 6NYCRR 212.4(a): Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

1-17 ECL 19-0301: Contaminant List

1-18 6NYCRR 201-1.4: Unavoidable noncompliance and violations

100 6NYCRR 211.2: Air pollution prohibited

Mod 1 Permit Effective Date: 10/06/2003

Permit Expiration Date: 10/12/2006



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:

Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

Item B:

Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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.

Item C:

Maintenance of Equipment - 6NYCRR Part 200.7

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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.

Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

Item E: 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



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

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 F: Recycling and Salvage - 6NYCRR Part 201-1.7

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8

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.

Item H: 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 I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)

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

Item K: 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 L: 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 M: 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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



renewal application.

Item N: 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 O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)

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

Item P: 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 Q: 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 R: Fees - 6 NYCRR Part 201-6.5(a)(7)

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)

Upon presentation of credentials and other documents, as

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Item T: 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)

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

- 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.

Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)

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 provisions 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 in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

Item W: 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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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 X: 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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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 Y: Required Emission Tests - 6 NYCRR Part 202-1.1

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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.

Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: 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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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 CC: 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.

FEDERAL APPLICABLE REQUIREMENTS

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

**Condition 24: Emission Unit Definition
Effective between the dates of 10/12/2001 and 10/12/2006**

Applicable Federal Requirement: 6NYCRR 201-6

Item 24.1(From Mod 1):

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

Emission Unit: 1-00001

Emission Unit Description:

BOILER NO. 3 - A COMBUSTION ENGINEERING NO. 6 OIL/NATURAL GAS-FIRED BOILER RATED AT 727 MMBTU/HR. NO. 2 OIL IS USED AS A START-UP FUEL. THIS EMISSION UNIT ALONG WITH BOILER NOS. 4 & 5 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO_x EMISSIONS.

Building(s): BLR1

Item 24.2(From Mod 1):

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Emission Unit: 1-00002

Emission Unit Description:

BOILER NO. 4 - A FOSTER WHEELER NO. 6 OIL/NATURAL GAS/COAL-FIRED BOILER RATED AT 1816 MMBTU/HR IS EQUIPED WITH AN ELECTROSTATIC PRECIPITATOR TO CONTROL PARTICULATE EMISSIONS. THIS UNIT WAS RECONVERTED FROM OIL-FIRED TO COAL-FIRED IN 1985. UNDER THE SPECIAL CONDITIONS OF THE COMMISSIONER'S ORDER FOR ORANGE AND ROCKLAND UTILITIES DATED APRIL 1982, ELECTROSTATIC CONTROL EQUIPMENT WAS TO BE INSTALLED. THE ESPS WERE TO ACHIEVE BACT LEVELS OF PARTICULATE CONTROL AT 0.03 POUNDS PER MILLION BTU OF HEAT INPUT. THIS EMISSION UNIT ALONG WITH BOILER NOS. 3 & 5 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO_x EMISSIONS.

Building(s): BLR1

Item 24.3(From Mod 1):

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

Emission Unit: 1-00003

Emission Unit Description:

BOILER NO. 5 - A BABCOCK & WILCOX NO. 6 OIL/NATURAL GAS/COAL-FIRED BOILER RATED AT 1986 MMBTU/HR WITH ELECTROSTATIC PRECIPITATOR FOR PARTICULATE CONTROL. THIS UNIT WAS RECONVERTED FROM OIL-FIRED TO COAL-FIRED IN 1985. UNDER THE SPECIAL CONDITIONS OF THE COMMISSIONER'S ORDER FOR ORANGE AND ROCKLAND UTILITIES DATED APRIL 1982, ELECTROSTATIC CONTROL EQUIPMENT WAS TO BE INSTALLED. THE ESPS WERE TO ACHIEVE BACT LEVELS OF PARTICULATE CONTROL AT 0.03 POUNDS PER MILLION BTU OF HEAT INPUT. THIS EMISSION UNIT ALONG WITH BOILER NOS. 3 & 4 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO_x EMISSIONS.

Building(s): BLR1

Item 24.4(From Mod 1):

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Emission Unit: 1-ASHND

Emission Unit Description:

FLY ASH FROM THE BOILERS IS CONVEYED FROM PRECIPITATOR HOPPERS TO STORAGE SILOS. ASH IS DISCHARGED TO TRUCKS THROUGH A CONDITIONER. ASH IS TRANSPORTED OFFSITE BY A CONTRACTED TRUCKING COMPANY.

Item 24.5(From Mod 1):

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

Emission Unit: 1-CLHND

Emission Unit Description:

COAL HANDLING ACTIVITIES. COAL IS BROUGHT IN BY RAILCAR, UNLOADED, AND REDUCED IN SIZE BEFORE TRANSFER BY CONVEYOR TO A STORAGE PILE OR SILO. BOILER NOS. 4 & 5 ARE FIRED BY COAL STORED IN THE SILOS. COAL IS SPREAD AND GRADED BY BULLDOZER ON THE STORAGE PILE. REQUIRED COAL IS RECLAIMED INTO A HOPPER AND TRANSPORTED FROM THE STORAGE PILE TO THE BOILER BUILDING VIA UNDERGROUND/ENCLOSED CONVEYOR BELTS. THE CRUSHER AND TRANSFER BUILDINGS AND STORAGE SILOS EACH HAVE DEDICATED PARTICULATE COLLECTORS.

Building(s): CRB
CTSB
MTB

Item 24.6(From Mod 0):

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

Emission Unit: 1-WAWTP

Emission Unit Description:

WASTEWATER TREATMENT PLANT OPERATES TO TREAT RUNOFF FROM PLANT DRAINS AND COAL PILE RUNOFF. THE PLANT USES ACID AND CAUSTIC TO MODIFY THE pH OF THE WATER AND ANIONIC POLYMER TO PRECIPITATE SOLIDS INCLUDING METALS. CLEAN WATER IS DISCHARGED TO THE HUDSON RIVER. OPERATIONS ARE MONITORED THROUGH CONDITIONS WITHIN THE EXISTING SPDES PERMIT NO. 3-3928-10/2-0. FUGITIVE EMISSIONS WERE DETERMINED FOR OUTFALL 21 WHICH IS THE DISCHARGE POINT FOR THE WASTEWATER TREATMENT PLANT CONTROLLING COAL PILE RUNOFF AND/OR METAL CLEANING



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

WASTEWATER. OTHER DISCHARGE POINTS MUST MONITOR FOR OIL AND GREASE CONTENT, BUT VOC EMISSIONS ARE EXPECTED TO BE NEGLIGIBLE.

Building(s): WWTP

**Condition 1-1: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 10/06/2003 and 10/12/2006**

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

Item 1-1.1:

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 1-2: Monitoring, Related Recordkeeping, and Reporting
Requirements.**

Effective between the dates of 10/06/2003 and 10/12/2006

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

Item 1-2.1:

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 25: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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

Item 25.1:

The Compliance Certification activity will be performed for the Facility.

Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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.

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

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

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



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 1-3: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

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

Item 1-3.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-3.2:

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. 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. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



periods described in paragraphs (1) and (4) above.

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 6 calendar month(s).

Condition 1-4: Compliance Certification
Effective between the dates of 10/06/2003 and 10/12/2006

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

Item 1-4.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Requirements for compliance certifications with terms and

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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 Compliance Monitoring and Enforcement (BCME) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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 BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring
and Enforcement
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 1/30/2002.
Subsequent reports are due on the same day each year

Condition 28: Non Applicable requirements
Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 28.1:

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

Condition 30: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Item 30.2:

Compliance Certification shall include the following monitoring:



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

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 31: Recordkeeping requirements

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 31.1:

(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 32: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 32.1:

The Compliance Certification activity will be performed for the Facility.

Item 32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The NOx authorized account representative of each NOx budget unit shall submit to the department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002. The Part 204 monitoring requirements take into effect May 1, 2002. Compliance with NOx requirements (allowances) starting May 1, 2003.

Monitoring Frequency: AS REQUIRED - SEE MONITORING

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 33: Submissions to the Department.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-2.1

Item 33.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.1(e)(1)) by the NOx authorized account representative.

Condition 34: Contents of reports and compliance certifications.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 34.1: The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



mandated the need for monitor recertification.

Condition 35: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 35.1:

The Compliance Certification activity will be performed for the Facility.

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more NOx Budget units at a source are subject to the NOx Budget emissions limitation, the NOx authorized account representative of the source shall submit to the Department and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 36: General provisions.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 36.1: The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx Budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

Condition 37: Requirements for recertification of monitoring systems.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 37.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

Condition 38: Out of control periods.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 38.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 39: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 39.1:
The Compliance Certification activity will be performed for the Facility.

Item 39.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Authorized Account Representative for a NO_x Budget unit shall submit written notice to the Department and the USEPA Administrator in accordance with the requirements of this subpart as follows:

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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

The address for the USEPA Administrator is as follows:

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

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

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring and Enforcement
50 Wolf Rd. Room 108
Albany N.Y. 12233-3258

ACR changes should be sent to the attention of:

NYSDEC
Stationary Source Planning Section
Bureau of Air Quality Planning
50 Wolf Rd
Albany NY 12233-3251

The address for the RAPCE is as follows:

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 40: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 40.1:

The Compliance Certification activity will be performed for the Facility.

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NOx Mass emissions using a NOx concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 1-5: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 207

Replaces Condition(s) 41

Item 1-5.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Mirant Lovett LLC shall follow all instructions issued by the New York Independent Systems Operators (ISO) during any air pollution episode. This methodology constitutes the facilities Episode Action Plan.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 44: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 44.1:

The Compliance Certification activity will be performed for the Facility.

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person will sell, offer for sale, purchase or use any residual oil fuel which contains sulfur in a quantity exceeding the following limitation.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: RESIDUAL FUEL (#4, #5 AND/OR #6 FUEL OIL)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.37 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 11/10/2002 for the period 10/12/2001 through 10/11/2002

Condition 45: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-1.2(e)

Item 45.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Mirant New York LLC will submit reports documenting sulfur dioxide emissions. Sulfur dioxide emissions will be obtained by Continous Emission Monitors operated in accordance with 40 CFR Part 75. These reports shall be submitted quarterly and include sulfur dioxide emissions relative to fuel and heat input. A 1.5 lb/mmBTUs limit applies for one unit if the other unit is operated on 0.37 percent sulfur content oil or natural gas, or is not operated at all.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Parameter Monitored: SULFUR
Upper Permit Limit: 1.5 pounds per million Btus
Monitoring Frequency: CONTINUOUS
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 46: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-1.2(e)

Item 46.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Mirant New York LLC will submit reports documenting sulfur dioxide emissions. Sulfur dioxide emissions will be obtained by Continuous Emission Monitors operated in accordance with 40 CFR Part 75. These reports shall be submitted quarterly and include sulfur dioxide emissions relative to fuel and heat input. A 1.0 lb/mmBTUs limit applies for units 4 and 5 if both are operated on coal.

Parameter Monitored: SULFUR
Upper Permit Limit: 1.0 pounds per million Btus
Monitoring Frequency: CONTINUOUS
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 47: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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

Item 47.1:

The Compliance Certification activity will be performed for the Facility.

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Part 225-1.7(c) requires that measurements must be made daily of the rate of each fuel burned. Also, the facility must measure the gross heat content and ash content of each fuel burned (determined at least once per week), and the average electrical output (daily) and hourly generation rate. This information must be retained by the source owner for a period of three years.

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 48: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 48.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007704-34-9 SULFUR

Item 48.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Source owners subject to this section must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, or of measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such excesses if known, for the calendar quarter.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 1-6: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-1.8

Replaces Condition(s) 49

Item 1-6.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

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

Condition 52: Sale of waste fuel prohibitions.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-2.6(c)

Item 52.1: No person may sell, offer for sale, deliver or exchange in trade any waste fuel except to a facility meeting the applicable requirements of this Subpart and the regulations promulgated pursuant to article 27, titles 7 and 9 and article 23, title 23 of ECL or to a transporter of waste fuel who is permitted under 6 NYCRR Part 364.

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Condition 1-7: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

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

Replaces Condition(s) 53

Item 1-7.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-7.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

OPACITY REDUCTION

1. Objective

The purpose of this condition is to identify the essential elements of an Opacity Reduction Program as agreed to by Order on Consent D3-9000-97-08 (Orange and Rockland) effective August 18, 1998, Appendix A.

2. Opacity Monitors

Respondent's opacity monitors shall be operated and maintained in accordance with the requirements of 40 CFR Part 75, the manufacturer's recommendations and Respondent's QA/QC program.

3. Opacity Incident Reporting

Respondent shall prepare an Opacity Incident Report (OIR) for each excess opacity event (refer to Respondent's Opacity Compliance Programs for each station). An excess opacity emissions event consists of one or more six minute periods in which the average opacity exceeds 20%, which are caused by the same circumstance.

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 proposed preventive measures. The OIRs will be maintained for a period of five years and shall be made available to DEC on demand.



Respondent shall submit written reports of excess emissions for each calendar quarter with the nature and cause of the emissions in accordance with 6NYCRR §227-1.4.

Such reports shall include a summary page providing: the total number of reported exceedances; the total number of unexcused exceedances; monitor down time expressed as a percentage of operating time; and compliance rates, based on both total reported and unexcused exceedances, expressed (to the hundredth) as a percentage of operating time.

4. Quality Assurance Program

Respondent 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 OIR and required notifications have been made. A quarterly opacity report shall be submitted to NYSDEC for review and approval. The reports shall include a tabulation of all opacity exceedances, except for those excluded under 6NYCRR Part 227. It shall also identify the causes of the events (non-exempt exceedance, or startup, shutdown, off line maintenance, equipment malfunction). The reports shall be revised to include a tabulation of opacity monitor downtime (except zero and span checks) and missing data.

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.

5. Awareness, Communications and Training

Opacity awareness shall be promoted within Respondent's Electric Production Division by developing opacity awareness training for plant operators and maintenance personnel and supervisors at the station level.

The opacity awareness training shall include a review of opacity regulations and monitoring requirements, a

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



discussion of opacity monitoring equipment, an explanation of the source of opacity and the impact of changes to plant equipment and operating parameters upon opacity, and a discussion of corrective actions to be taken when excessive opacity levels occur.

Staff responsible for preparing OIRs shall receive appropriate training in identifying exceedance cases, reasons, the stipulated penalty provision of this Order, and Articles 15 and 175 of the Penal Law.

Respondent's executive management shall be informed of opacity performance on a quarterly basis.

6. Preventive Maintenance

Respondent shall implement a preventive maintenance program for the CEMs, which shall include daily, quarterly and bi-annual maintenance activities. The quarterly and bi-annual activities shall be documented on preventive maintenance checklists, which shall be maintained on-site for five years.

Corrective maintenance activities shall be performed as needed. All corrective maintenance activities shall be documented on Corrective Action Sheets. These sheets shall be maintained on-site for five years.

The preventive maintenance program shall include the following daily, weekly and scheduled outage activities:

LOVETT PLANT

Daily Activities

- Oil gun inspection and cleaning
- Boiler walkdown
- Burner inspection (external)
- Burner tilt position (Unit 3 only)
- Soot blower PM
- Inspect boiler duct work
- Coal fineness testing (monthly)
- "In Situ" fly ash samplers
- Sample and analyze for unburned carbon

Weekly Activities

- Precipitator inspections and preventive

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



maintenance

Maintenance supervisor and crew assigned to precipitator

maintenance

Filter checks

Transformer/Rectifier status check (once per

shift)

Precipitator hoppers emptied continuously via program

cycle

Coal pulverizer PM

Scheduled Outage Activities

Transmitter inspection and calibrations of:

Air flow

Coal feeders

Fuel gas flow and pressure

Fuel oil flow

Atomizing steam pressure

Furnace pressure

Windbox pressure

Steam flow

Economizer O₂ probes

Primary air flow

Tempering air flow

Damper drive positioners

Coal pulverizer level (Unit 4 only)

Coal feeder PM (annually or as needed)

Burner inspection (internal)

Inspect and clean inside precipitator hoppers

Air preheater wash

7. Root Cause Analysis and Corrective

Actions

Respondent shall identify deficiencies which cause opacity exceedances by means of root cause analysis. At the beginning of each calendar year, the prior year's opacity OIRs shall be reviewed to identify and consistent patterns for opacity exceedances. Patterns that are found shall be investigated and corrective actions (e.g. revised maintenance procedures, equipment upgrades, and personnel refresher training for opacity awareness) shall be developed. These shall be summarized in a report to Respondent's management by March 31st of each year. These reports shall be maintained for a period of 5 (five) years and shall be made available to DEC on demand.

8. ESP Operation, Maintenance and



Monitoring

Respondent shall operate and maintain its electrostatic precipitators (ESPs) on Lovett Units 4 and 5 in a manner consistent with good air pollution control practice for minimizing emissions.

Within 30 days of the effective date of this Order, respondent shall submit a schematic of all ESPs showing the direction of flow and the ESP bus-section/TR layout, continuing with the flue ductwork to the stack.

Within 180 days of the effective date of this Order, Respondent shall implement an ESP monitoring program in accordance with the following protocol:

Parameters to be Monitored: Number of operational fields, primary and secondary voltage and current, spark rate.

Monitoring Location: Current and voltage at each transformer and spark rate in each section.

Analytical Devices Required: Ammeters, voltmeters, other methods or instrumentation as appropriate.

Data Acquisition and Measurement System Operation:

- i. Data Collection Frequency: data shall be recorded by distributed control system (DCS) or similar digital data acquisition system; alternatively, this data shall be manually recorded for each six-minute period during which average opacity exceeds 15%;
- ii. Reporting units: Operational fields, amps, volts, sparks per minute, as appropriate;
- iii. Recording process: automatically on strip chart or digital data acquisition system (if data is collected digitally), or in an operational log (if data is recorded manually).

Data Requirements: Baseline ESP operating parameter records and sampling data concurrent with emission test or historical plant records of ESP performance parameters.

Specific QA/QC Procedures: Calibrate, maintain and operate instrumentation according to manufacturer's recommendations.

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2004.

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

Condition 54: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-2.5

Item 54.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 54.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Mirant New York LLC must comply with the NO_x RACT Limit through a system wide average accepted by the Department as part of the NO_x RACT Standard Report dated March 15, 1994 and NO_x RACT Operating Plan (under Orange Rockland cover - attached) dated February 13, 1995 as amended June 20, 1996. The following emission units are included in the averaging plan: Lovett 3, 4 and 5; Bowline Point 1 and 2; Shoemaker 1 (including internal combustion engine as emission unit 1-00002) and Hillburn 1. During the summer period, from May 1 through September 15, the system wide average emission limit will be calculated on a 24 hour weighted average of all generating units. System wide average emission limit during the winter period September 16 through April 30 will be calculated on the basis of a weighted 30 day rolling average of the daily emissions of all units exclusive of the Hillburn and Shoemaker peaking combustion turbines (operating fewer than 500 hours during the period).

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



The system NOx emission limit will depend upon the specified regulatory emission limit and the relative contribution to the total system heat input of each equipment type. The system NOx emission limit for both the summer period (May 1 through September 15) and winter period (September 16 through April 30) will be calculated in accordance with the mathematical relationships contained on page 8 of the attached NOx RACT Operating Plan.

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

Lovett Unit No. 3 - 0.25 lbs NOx/million BTU

Lovett Unit No. 4 - 0.45 lbs NOx/million BTU

Lovett Unit No. 5 - 0.45 lbs NOx/million BTU

Bowline Point Unit No. 1 - 0.25 lbs NOx/million BTU

Bowline Point Unit No. 2 - 0.25 lbs NOx/million BTU

Shoemaker Turbine - 100 ppmvd, corrected to 15% oxygen

Shoemaker internal combustion engine - 3.0 grams /brakehorsepower -hour

Hillburn Turbine - 100 ppmvd, corrected to 15% oxygen

The actual NOx emissions for both the summer and winter period will be calculated based on the mathematical relationships represented on pages 9, 10 and 11 of the attached NOx RACT Operating Plan.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 55: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 55.1:

The Compliance Certification activity will be performed for the Facility.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Regulated Contaminant(s):

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

Item 55.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Following each calendar quarter, for Units 3,4 and 5 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 either a format complying with 6NYCRR Part 227-3.15 or 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 MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

**Condition 57: Authorized Account Representatives (AARs)
Effective between the dates of 10/12/2001 and 10/12/2006**

Applicable Federal Requirement: 6NYCRR 227-3.12



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Item 57.1: Each budget source must designate an AAR, and may designate an alternate AAR, for each compliance account and compliance overdraft account.

Condition 56: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-3.13

Item 56.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 56.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Budget sources which have a flow monitor certified under 40 CFR Part 75: NO_x emissions in lbs/hr shall be determined using a CEMS and the flow monitor and by multiplying together the figures resulting from application of the following two Subparagraphs:

(i) The NO_x emission rate in lbs/mmBtu determined by using the procedure set forth in 40 CFR Part 75 Appendix F, Section 3.

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

Monitoring Frequency: CONTINUOUS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 58: Compliance Certification



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-3.15

Item 58.1:

The Compliance Certification activity will be performed for the Facility.

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 59: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-3.16

Item 59.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 59.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(a) Each year during the period extending from November 1 through the allowance transfer deadline, December 31, this budget source may request the Administrator to deduct a number of allowances from the budget source's compliance

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



account equal to the current year control period NO_x emissions from the budget source. The request must include identification of the compliance account from which the deductions should be made. The request may include the serial numbers of the particular allowances to be deducted. If no serial numbers are included, the Administrator will first deduct allowances allocated for the current year control period. If the Administrator exhausts all allowances allocated for the current year control period, the Administrator will next deduct banked allowances in the compliance account in the order in which they were deposited. The request may only involve allowances placed in the budget source's compliance account; allowances in a compliance overdraft account or general account may not be deducted pursuant to the request.

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

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

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



order in which they were deposited.

(3) Current year allowances from the compliance overdraft account in the order in which they were deposited.

(4) Banked allowances from the compliance overdraft account in the order in which they were deposited.

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

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 60: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-3.17

Item 60.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 60.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(a) By December 31 of each year, this budget source must submit a compliance certification to the Department relating to the budget source's activities during the current year.

(b) The compliance certification shall contain, at a minimum:

(1) identification of the budget source, including address of the budget source, name and address of the owner and/or operator, account numbers of the relevant compliance account and compliance overdraft account and the name of the AAR;

(2) a statement indicating whether NO_x emissions data have been reported to the NETS in accordance with the procedures set forth in Section 227-3.15 and any additional procedures established by the Administrator;

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



- (3) a statement indicating whether the budget source has a number of allowances in its compliance account or compliance overdraft account equal to or greater than the budget source's NOx emissions for the current year control period;
- (4) a statement indicating whether the monitoring data reflected the actual operation of the budget source;
- (5) a statement indicating whether all NOx emissions from the budget source were accounted for, either through the relevant monitoring or application of the appropriate missing data procedures; and
- (6) a statement indicating whether there were any changes in the method of operation of the budget source or the method of monitoring the budget source during the current year.

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

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-8: Accidental release provisions.

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 40CFR 68

Item 1-8.1:

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit (if not previously submitted) one of the following if such quantities are present at the time of permit issuance:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866
ATTN: Accidental Release Program contact

Condition 61: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 40CFR 72.6(a)(2), Subpart A

Item 61.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 61.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Lovett Generating Station unit 3 (727 mmBTU/hr), unit 4 (1816 mmBTU/hr) and unit 5 (1986 mmBTU/hr) are affected units subject to the Acid Rain Program under Title IV of the Federal Clean Air Act. For affected units, the facility must continuously monitor, maintain and certify monitoring systems for opacity, SO₂ emissions, NO_x emissions, SO₂ removal (if applicable), CO₂ emissions and volumetric flow rate in accordance with the requirements of 40CFR Part 75. Southern Company must comply with the attached Acid Rain permit issued to Orange and Rockland Utilities Inc January 21, 1999 effective February 1, 1999. The attached Acid Rain permit is incorporated into this Title V permit.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 12 calendar month(s).



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Condition 62: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 62.1:

The Compliance Certification activity will be performed for the Facility.

Item 62.2:

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,

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

Condition 64: Emission Point Definition By Emission Unit
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 64.1(From Mod 1):

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

Emission Unit: 1-CLHND

Emission Point: 00041

Height (ft.): 57

Diameter (in.): 24

NYTMN (km.): 4567.923 NYTME (km.): 585.532 Building: MTB

Emission Point: 00051

Height (ft.): 57

Diameter (in.): 24

NYTMN (km.): 4567.923 NYTME (km.): 585.532 Building: CRB

Item 64.2(From Mod 0):

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

Emission Unit: 1-00001

Emission Point: 00003

Height (ft.): 168

Diameter (in.): 159

NYTMN (km.): 4567.923 NYTME (km.): 585.532 Building: BLR1

Item 64.3(From Mod 0):

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

Emission Unit: 1-00002

Emission Point: 00004

Height (ft.): 475

Diameter (in.): 120



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

NYTMN (km.): 4567.923 NYTME (km.): 585.532 Building: BLR1

Item 64.4(From Mod 0):

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

Emission Unit: 1-00003

Emission Point: 00005

Height (ft.): 475

Diameter (in.): 129

NYTMN (km.): 4567.923 NYTME (km.): 585.532 Building: BLR1

Condition 65: Process Definition By Emission Unit

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 65.1(From Mod 1):

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

Emission Unit: 1-00001

Process: 1GS

Source Classification Code: 1-01-006-04

Process Description:

TANGENTIAL-FIRED COMBUSTION ENGINEERING
BOILER NO 3 RATED AT 727 MMBTU/HR FIRING
NATURAL GAS. NO ADD-ON CONTROLS ARE IN
PLACE TO CONTROL NO_x.

Emission Source/Control: 00UN1 - Combustion

Design Capacity: 727 million Btu per hour

Emission Source/Control: 00EP3 - Control

Control Type: SINGLE CYCLONE

Item 65.2(From Mod 1):

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

Emission Unit: 1-00001

Process: 1OL

Source Classification Code: 1-01-004-04

Process Description:

TANGENTIAL-FIRED COMBUSTION ENGINEERING
BOILER NO. 3 RATED AT 727 MMBTU/HR FIRING
NO. 6 OIL. NO ADD-ON CONTROLS ARE IN PLACE
TO CONTROL NO_x.

Emission Source/Control: 00UN1 - Combustion

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Design Capacity: 727 million Btu per hour

Emission Source/Control: 00EP3 - Control
Control Type: SINGLE CYCLONE

Item 65.3(From Mod 1):

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

Emission Unit: 1-00001

Process: WOL

Source Classification Code: 1-01-013-02

Process Description:

TANGENTIAL-FIRED COMBUSTION ENGINEERING
BOILER NO 3 RATED AT 727 MMBTU/HR FIRES
WASTE OIL COLLECTED ON SITE. NO ADD-ON
CONTROLS ARE IN PLACE TO CONTROL NO_x.

Emission Source/Control: 00UN1 - Combustion
Design Capacity: 727 million Btu per hour

Emission Source/Control: 00EP3 - Control
Control Type: SINGLE CYCLONE

Item 65.4(From Mod 1):

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

Emission Unit: 1-00002

Process: 2GS

Source Classification Code: 1-01-006-01

Process Description:

FACE-FIRED FOSTER WHEELER BOILER NO. 4
RATED AT 1816 MMBTU/HR FIRES NATURAL GAS.
AN ESP CONTROLS PARTICULATE MATTER AND NO_x
EMISSIONS ARE REDUCED BY LOW NO_x BURNERS
AND OVERFIRE AIR COMBUSTION.

Emission Source/Control: 00UN2 - Combustion
Design Capacity: 1,835 million Btu per hour

Emission Source/Control: 00EP4 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.5(From Mod 1):

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

Emission Unit: 1-00002

Process: 2OL

Source Classification Code: 1-01-004-01

Process Description:

FACE-FIRED FOSTER WHEELER BOILER NO. 4



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

RATED AT 1816 MMBTU/HR FIRING NO. 6 OIL.
AN ESP CONTROLS PARTICULATE MATTER AND NO_x
EMISSIONS ARE REDUCED BY LOW NO_x BURNERS
AND OVERFIRE AIR COMBUSTION.

Emission Source/Control: 00UN2 - Combustion
Design Capacity: 1,835 million Btu per hour

Emission Source/Control: 00EP4 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.6(From Mod 1):

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

Emission Unit: 1-00002

Process: CL2

Source Classification Code: 1-01-002-02

Process Description:

FACE-FIRED FOSTER WHEELER BOILER NO. 4
RATED AT 1816 MMBTU/HR FIRING BITUMINOUS
COAL. AN ESP CONTROLS PARTICULATE MATTER
AND NO_x EMISSIONS ARE REDUCED BY LOW NO_x
BURNERS AND OVERFIRE AIR COMBUSTION.

Emission Source/Control: 00UN2 - Combustion
Design Capacity: 1,835 million Btu per hour

Emission Source/Control: 00EP4 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.7(From Mod 1):

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

Emission Unit: 1-00003

Process: 3GS

Source Classification Code: 1-01-006-01

Process Description:

FACE-FIRED BABCOCK & WILCOX BOILER NO 5
RATED AT 1986 MMBTU/HR FIRING NATURAL GAS.
AN ESP CONTROLS PARTICULATE MATTER AND NO_x
EMISSIONS ARE REDUCED BY LOW NO_x BURNERS
AND OVERFIRE AIR COMBUSTION.

Emission Source/Control: 00UN3 - Combustion
Design Capacity: 1,920 million Btu per hour

Emission Source/Control: 00EP5 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Item 65.8(From Mod 1):

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

Emission Unit: 1-00003

Process: 3OL

Source Classification Code: 1-01-004-01

Process Description:

Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing No. 6 oil. An ESP controls particulate matter and NOx emissions are reduced by low NOx burners and overfire air combustion.

Emission Source/Control: 00UN3 - Combustion

Design Capacity: 1,920 million Btu per hour

Emission Source/Control: 00EP5 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.9(From Mod 1):

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

Emission Unit: 1-00003

Process: CL5

Source Classification Code: 1-01-002-02

Process Description:

Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing bituminous coal. An ESP controls particulate matter and NOx emissions are reduced by low NOx burners and overfire air combustion.

Emission Source/Control: 00UN3 - Combustion

Design Capacity: 1,920 million Btu per hour

Emission Source/Control: 00EP5 - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.10(From Mod 1):

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

Emission Unit: 1-ASHND

Process: P05

Source Classification Code: 3-05-105-99

Process Description:

ASH FROM THE STORAGE SILOS IS DISCHARGED TO TRUCKS THROUGH AN ASH CONDITIONER.

Emission Source/Control: 0SILO - Process

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Item 65.11(From Mod 1):

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

Emission Unit: 1-ASHND

Process: P06

Source Classification Code: 3-05-103-99

Process Description:

ASH IS TRANSPORTED AND DISPOSED OFFSITE BY
AN INDEPENDENT CONTRACTOR.

Emission Source/Control: 0ROAD - Process

Item 65.12(From Mod 1):

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

Emission Unit: 1-ASHND

Process: P07

Source Classification Code: 3-05-103-99

Process Description:

ASH IS TRANSPORTED OFFSITE BY A CONTRACTED
TRUCKING COMPANY.

Emission Source/Control: SPRED - Process

Item 65.13(From Mod 1):

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

Emission Unit: 1-CLHND

Process: P01

Source Classification Code: 3-05-010-08

Process Description:

RAILCARS ARE UNLOADED INSIDE THE SHAKER
BUILDING (ENCLOSED STRUCTURE) VIA A HOPPER
AT THE BOTTOM OF EACH CAR. WHEN FREEZING
OCCURS, CARS ARE HEATED IN THE THAW SHED.
CARS ARE SHAKEN TO ASSIST WITH COAL
REMOVAL. COAL IS TRANSFERRED TO SILO
STORAGE OR THE COAL PILE AFTER SIZE
REDUCTION IN THE CRUSHER BUILDING.

Emission Source/Control: 0EP41 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 0EP51 - Control

Control Type: FABRIC FILTER

Emission Source/Control: 0SHRB - Process

Item 65.14(From Mod 1):

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Emission Unit: 1-CLHND

Process: P02

Source Classification Code: 3-05-010-11

Process Description:

COAL IS TRANSFERRED FROM THE RECEIVING/REDUCTION AREA BY AN UNDERGROUND CONVEYOR TO THE COAL STORAGE PILE. DISCHARGE POINT IS A CONTINUOUS DROP OPERATION.

Emission Source/Control: 00CNV - Process

Item 65.15(From Mod 1):

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

Emission Unit: 1-CLHND

Process: P03

Source Classification Code: 3-05-010-46

Process Description:

BULLDOZING OPERATIONS ARE CONDUCTED ON THE ENTIRE COAL PILE TO SPREAD OUT THE MATERIAL EVENLY.

Emission Source/Control: 0PILE - Process

Item 65.16(From Mod 1):

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

Emission Unit: 1-CLHND

Process: P04

Source Classification Code: 3-05-010-16

Process Description:

REQUIRED COAL IS MOVED TO A RECLAIM HOPPER AND IS TRANSPORTED FROM THE STORAGE PILE TO THE BOILER BUILDING VIA UNDERGROUND/ENCLOSED CONVEYOR BELTS.

Emission Source/Control: 0RCLM - Process

Item 65.17(From Mod 0):

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

Emission Unit: 1-00002

Process: CL3

Source Classification Code: 1-01-002-02

Process Description:

FACE-FIRED FOSTER WHEELER BOILER NO. 4 RATED AT 1816 MMBTU/HR FIRING BITUMINOUS COAL. AN ESP CONTROLS PARTICULATE MATTER AND NO_x EMISSIONS ARE REDUCED BY LOW NO_x

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



BURNERS AND OVERFIRE AIR COMBUSTION.

Emission Source/Control: 00UN2 - Combustion
Design Capacity: 1,835 million Btu per hour

Emission Source/Control: 00EP4 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.18(From Mod 0):

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

Emission Unit: 1-00003

Process: CL4

Source Classification Code: 1-01-002-02

Process Description:

Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing bituminous coal. An ESP controls particulate matter and NOx emissions are reduced by low NOx burners and overfire air combustion.

Emission Source/Control: 00UN3 - Combustion
Design Capacity: 1,920 million Btu per hour

Emission Source/Control: 00EP5 - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 65.19(From Mod 0):

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

Emission Unit: 1-WAWTP

Process: W01

Source Classification Code: 5-01-007-69

Process Description: OUTFALL 21 OF THE WASTEWATER TREATMENT PLANT.

Emission Source/Control: OT021 - Process

Condition 66: Prohibitions.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 66.1:

This Condition applies to Emission Unit: 1-00001

Item 66.2: No owner or operator of a NOx Budget unit or a non-NOx Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

(1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

accordance with Section 204-8.6;

(2) operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;

(3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

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

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

(ii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

Condition 67: Requirements for installation, certification, and data accounting.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 67.1:

This Condition applies to Emission Unit: 1-00001

Item 67.2: The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

(1) Install all monitoring systems required under this Subpart for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and air or fuel flow, in accordance with 40 CFR 75.71 and 75.72.

(2) Install all monitoring systems for monitoring heat input, if required under Section 204-8.7 for developing NO_x allowance allocations.

(3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.

(4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 68: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-2.3(b)

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Item 68.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001

Item 68.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Each piece of equipment which fires Waste Fuel A shall demonstrate, at a minimum, 99% combustion efficiency.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99.0 percent

Monitoring Frequency: CONTINUOUS

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-9: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

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

Replaces Condition(s) 69

Item 1-9.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions testing to determine compliance with the 0.1 lbs per million BTUs limit shall be performed once during the term of the permit. This emission limit applies to the unit firing No. 6 fuel oil and shall be conducted if the unit fires 100 % No. 6 fuel oil for a duration greater than 720 hours. The 720 hours duration

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



shall be defined over the term of the permit. At least 60 days prior to actual testing, the facility shall submit to NYSDEC a stack test protocol detailing methods and procedures to be used during the performance stack testing.

Upper Permit Limit: 0.1 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 70: Testing, monitoring, and reporting requirements for very large boilers.

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 70.1:

This Condition applies to Emission Unit: 1-00001

Item 70.2:

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

Condition 1-10: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 225-2.7

Item 1-10.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001

Process: WOL

Item 1-10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility must maintain analytical sampling results for waste fuel combusted in accordance with 6NYCRR Part 225-2. Sampling shall be conducted for every 5,000 gallons consumed. The following parameters and allowable limits apply:



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Polychlorinated Biphenyls (PCB) < 50 ppm
Total Halogen 1,000 ppm maximum
Sulfur < 0.37 % by
weight
Lead 250 ppm
maximum
Heat Content 125,000 BTU/gal minimum

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 75: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-1.3

Item 75.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00003

Item 75.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate in accordance with manufacturer's instructions, and properly maintain, a COMS in the stack satisfying the criteria in Appendix B of 40 CFR part 60.

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



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

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

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: 40 CFR 60 APP B RM 9
Monitoring Frequency: CONTINUOUS
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 3/1/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 76: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 76.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00001 Emission Point: 00003

Item 76.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



installation which utilizes a continuous opacity monitoring system (COMS) shall include the following in their quarterly excess emission reports:

- 1) Magnitude, date, and time of each exceedence;
- 2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- 3) Date, time, and duration of each period of COMS downtime, and the corrective action for each period of downtime;
- 4) Total time the COMS is required to record data during the reporting period;
- 5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time in which the COMS are required to record data; and
- 6) Such other requirements as the Department may deem necessary in order to enforce Article 19 of the Environmental Conservation Law (ECL).

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 77: Prohibitions.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 77.1:

This Condition applies to Emission Unit: 1-00002

Item 77.2: No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

and 40 CFR Part 75 except as provided for in 40 CFR 75.74;

(3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

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

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

(ii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

Condition 78: Requirements for installation, certification, and data accounting.

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 78.1:

This Condition applies to Emission Unit: 1-00002

Item 78.2: The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

(1) Install all monitoring systems required under this Subpart for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and air or fuel flow, in accordance with 40 CFR 75.71 and 75.72.

(2) Install all monitoring systems for monitoring heat input, if required under Section 204-8.7 for developing NO_x allowance allocations.

(3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.

(4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 1-11: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

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

Replaces Condition(s) 79

Item 1-11.1:

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



The Compliance Certification activity will be performed for:

Emission Unit: 1-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions testing to determine compliance with the 0.1 lbs per million BTUs limit shall be performed once during the term of the permit. This emission limit applies to the unit firing 100% No. 6 fuel oil and shall be conducted if the unit fires No. 6 fuel oil for a duration greater than 720 hours. The 720 hours duration shall be defined over the term of the permit. At least 60 days prior to actual testing, the facility shall submit to NYSDEC a stack test protocol detailing methods and procedures to be used during the performance stack testing.

Upper Permit Limit: 0.1 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 80: Testing, monitoring, and reporting requirements for very large boilers.

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 80.1:

This Condition applies to Emission Unit: 1-00002

Item 80.2:

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

Condition 81: Compliance Certification



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Item 81.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00002

Process: CL2

Emission Source: 00UN2

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 81.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Mirant New York LLC must comply with the particulate emissions rate of 0.03 pounds per million BTU of heat input. This unit was reconverted from oil-fired to coal fired in 1985. This limit is based on special conditions contained in an order for Orange and Rockland Utilities dated April 1982. Emissions testing was conducted in 1991 to demonstrate compliance with the emissions standard. Mirant New York LLC shall record ESP operational parameters once per shift.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.03 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 82: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-1.3

Item 82.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00004

Item 82.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate in accordance with manufacturer's instructions, and properly maintain, a COMS in the stack satisfying the criteria in Appendix B of 40 CFR part 60.

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

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60 APP B RM 9



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Monitoring Frequency: CONTINUOUS
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 3/1/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 83: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 83.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00002 Emission Point: 00004

Item 83.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation which utilizes a continuous opacity monitoring system (COMS) shall include the following in their quarterly excess emission reports:

- 1) Magnitude, date, and time of each exceedence;
- 2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- 3) Date, time, and duration of each period of COMS downtime, and the corrective action for each period of downtime;
- 4) Total time the COMS is required to record data during the reporting period;
- 5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time in which the COMS are required to record data; and
- 6) Such other requirements as the Department may deem necessary in order to enforce Article 19 of the Environmental Conservation Law (ECL).



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 84: Prohibitions.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 84.1:

This Condition applies to Emission Unit: 1-00003

Item 84.2: No owner or operator of a NO_x Budget unit or a non-NO_x Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

(1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;

(2) operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;

(3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

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

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

(ii) The NO_x authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

Condition 85: Requirements for installation, certification, and data accounting.
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 85.1:



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

This Condition applies to Emission Unit: 1-00003

Item 85.2: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

- (1) Install all monitoring systems required under this Subpart for monitoring NOx mass. This includes all systems required to monitor NOx emission rate, NOx concentration, heat input, and air or fuel flow, in accordance with 40 CFR 75.71 and 75.72.
- (2) Install all monitoring systems for monitoring heat input, if required under Section 204-8.7 for developing NOx allowance allocations.
- (3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.
- (4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 1-12: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

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

Replaces Condition(s) 86

Item 1-12.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emissions testing to determine compliance with the 0.1 lbs per million BTUs limit shall be performed once during the term of the permit. This emission limit applies to the unit firing 100% No. 6 fuel oil and shall be conducted if the unit fires No. 6 fuel oil for a duration greater than 720 hours. The 720 hours duration shall be defined over the term of the permit. At least 60 days prior to actual testing, the facility shall submit to NYSDEC a stack test protocol detailing methods and procedures to be used during the performance stack testing.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Upper Permit Limit: 0.1 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 87: Testing, monitoring, and reporting requirements for very large boilers.

Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 87.1:

This Condition applies to Emission Unit: 1-00003

Item 87.2:

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

Condition 88: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Item 88.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00003
Process: CL4 Emission Source: 00UN3

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

Item 88.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Mirant New York LLC must comply with the particulate emissions rate of 0.03 pounds per million BTU of heat input. This unit was reconverted from oil-fired to coal fired in 1985. This limit is based on special conditions contained in an order for Orange and Rockland Utilities dated April 1982. Emissions testing was conducted in 1991 to demonstrate compliance with the emissions standard. Mirant New York LLC shall record ESP operational parameters once per shift.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.03 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 89: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 227-1.3

Item 89.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00003 Emission Point: 00005

Item 89.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate in accordance with manufacturer's instructions, and properly maintain, a COMS in the stack satisfying the criteria in Appendix B of 40 CFR part 60.

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

(1) The magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not to exceed 27 percent;

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



- (2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- (3) Identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;
- (4) The total time in which the COMS are required to record data during the reporting period;
- (5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time which the COMS are required to record data.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: 40 CFR 60 APP B RM 9
Monitoring Frequency: CONTINUOUS
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 3/1/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 90: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 90.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-00003 Emission Point: 00005

Item 90.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation which utilizes a continuous opacity monitoring system (COMS) shall include the following in their quarterly excess emission reports:

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



- 1) Magnitude, date, and time of each exceedence;
- 2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- 3) Date, time, and duration of each period of COMS downtime, and the corrective action for each period of downtime;
- 4) Total time the COMS is required to record data during the reporting period;
- 5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time in which the COMS are required to record data; and
- 6) Such other requirements as the Department may deem necessary in order to enforce Article 19 of the Environmental Conservation Law (ECL).

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 1-13: Compliance Certification
Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 211.3

Item 1-13.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-ASHND

Item 1-13.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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 process emission source, except only the emission of uncombined water.

The permittee will conduct visible observations during

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



periods of transferring collected fly ash (dry) from the storage silos to the haul trucks. When the facility is transferring flyash where water has been added, this requirement does not apply. Each observation of dry ash handling shall be recorded in a bound logbook.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-14: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 211.3

Item 1-14.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND

Item 1-14.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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 process emission source, except only the emission of uncombined water.

The permittee will conduct visible observations during periods of transferring collected coal dust to the specially designed dumpster or coal pile reclamation. Each observation shall be recorded in a bound logbook.

The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL
CHANGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 91: Particulate matter standard.
Effective between the dates of 10/12/2001 and 10/12/2006

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

Item 91.1:

This Condition applies to Emission Unit: 1-CLHND

Item 91.2:

No owner or operator of any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, shall exhibit 20 percent opacity or greater.

Condition 1-15: Compliance Certification
Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 212.3(b)

Replaces Condition(s) 92

Item 1-15.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00041

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-15.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.150 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing shall be conducted once per permit term. At least 60 days prior to actual testing, the facility shall submit to the NYSDEC a stack test protocol

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



for review and approval.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.150 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 93: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 93.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00041

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 93.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

A FABRIC FILTER IS USED TO CONTROL
FUGITIVE EMISSIONS. PERFORMANCE IS
MONITORED BY A PRESSURE DIFFERENTIAL
MONITORING SYSTEM. AN ALARM IN THE
CONTROL ROOM IS TRIGGERED FOR AN
OUT-OF-SPECIFICATION PRESSURE CHANGE.

Manufacturer Name/Model Number: FLEX KLEEN

Parameter Monitored: PRESSURE CHANGE

Lower Permit Limit: 0 inches of water

Monitoring Frequency: DAILY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED
VALUE AT ANY TIME

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 94: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006



Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 94.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00041

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 94.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE

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 process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

Subsequent reports are due every 12 calendar month(s).

Condition 1-16: Compliance Certification

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 212.3(b)

Replaces Condition(s) 95

Item 1-16.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00051

Regulated Contaminant(s):



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

CAS No: 0NY075-00-0 PARTICULATES

Item 1-16.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.150 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis. Compliance testing shall be conducted once per permit term. At least 60 days prior to actual testing, the facility shall submit to the NYSDEC a stack test protocol for review and approval.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.150 grains per dscf

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 96: Compliance Certification
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 96.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00051

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 96.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE

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 process emission source, except only the emission of uncombined water. The Department reserves the right to perform or require the performance of a



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

Method 9 opacity evaluation at any time during facility operation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

Subsequent reports are due every 12 calendar month(s).

Condition 97: Compliance Certification

Effective between the dates of 10/12/2001 and 10/12/2006

Applicable Federal Requirement: 6NYCRR 212.4(a)

Item 97.1:

The Compliance Certification activity will be performed for:

Emission Unit: 1-CLHND Emission Point: 00051

Process: P01 Emission Source: 0SHRB

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 97.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

A FABRIC FILTER IS USED TO CONTROL FUGITIVE EMISSIONS. PERFORMANCE IS MONITORED BY A PRESSURE DIFFERENTIAL MONITORING SYSTEM. AN ALARM IN THE CONTROL ROOM IS TRIGGERED FOR AN OUT-OF-SPECIFICATION PRESSURE CHANGE.

Manufacturer Name/Model Number: FLEX KLEEN

Parameter Monitored: PRESSURE CHANGE

Lower Permit Limit: 0 inches of water

Monitoring Frequency: DAILY

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

New York State Department of Environmental Conservation
Permit ID: 3-3928-00010/00039 Facility DEC ID: 3392800010



Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



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 1-17: Contaminant List

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable State Requirement: ECL 19-0301

Item 1-17.1:

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

New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010



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: 007704-34-9

Name: SULFUR

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 1-18: Unavoidable noncompliance and violations

Effective between the dates of 10/06/2003 and 10/12/2006

Applicable State Requirement: 6NYCRR 201-1.4

Item 1-18.1:

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.



New York State Department of Environmental Conservation

Permit ID: 3-3928-00010/00039

Facility DEC ID: 3392800010

(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 100: Air pollution prohibited
Effective between the dates of 10/12/2001 and 10/12/2006

Applicable State Requirement: 6NYCRR 211.2

Item 100.1:

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.