



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 6-2260-00024/00007  
Effective Date: 11/08/2010 Expiration Date: 11/07/2015

Permit Issued To: CARTHAGE ENERGY LLC  
701 WEST END AVE  
CARTHAGE, NY 13619

Facility: CARTHAGE ENERGY COGEN FACILITY  
701 WESTEND AVE  
CARTHAGE, NY 13619

Contact: TYRONE A HEATH  
CARTHAGE ENERGY LLC  
31 LEWIS ST STE 401  
BINGHAMTON, NY 13901-3133  
(607) 721-1756

Description:

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: LAWRENCE R AMBEAU  
NYSDEC - STATE OFFICE BLDG  
317 WASHINGTON ST  
WATERTOWN, NY 13601

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

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

**Facility Level**

- Submission of application for permit modification or renewal-REGION 6 HEADQUARTERS



**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

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

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**

**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

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



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

**Item 4.1:**

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

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

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

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

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 6 Headquarters  
Division of Environmental Permits  
State Office Building, 317 Washington Street  
Watertown, NY 13601-3787  
(315) 785-2245

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: CARTHAGE ENERGY LLC  
701 WEST END AVE  
CARTHAGE, NY 13619

Facility: CARTHAGE ENERGY COGEN FACILITY  
701 WESTEND AVE  
CARTHAGE, NY 13619

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES  
4931 - ELEC & OTHER SERVICES COMBINED  
9999 - NONCLASSIFIABLE ESTABLISHMENTS

Permit Effective Date: 11/08/2010

Permit Expiration Date: 11/07/2015



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR 227-2.6 (b): CEMS monitoring, record keeping and reporting requirements..
- 25 6 NYCRR 243-1.6 (a): Permit Requirements
- 26 6 NYCRR 243-1.6 (b): Monitoring requirements
- 27 6 NYCRR 243-1.6 (c): NOx Ozone Season Emission Requirements
- 28 6 NYCRR 243-1.6 (d): Excess emission requirements
- 29 6 NYCRR 243-1.6 (e): Recordkeeping and reporting requirements
- 30 6 NYCRR 243-2.1: Authorization and responsibilities of CAIR designated representative
- 31 6 NYCRR 243-2.4: Certificate of representation
- 32 6 NYCRR 243-8.1: General requirements
- 33 6 NYCRR 243-8.1: Prohibitions
- 34 6 NYCRR 243-8.5 (d): Quarterly reports
- 35 6 NYCRR 243-8.5 (e): Compliance certification
- 36 6 NYCRR Subpart 244-1: CAIR NOx Annual Trading Program General Conditions
- 37 6 NYCRR Subpart 244-2: Designated CAIR Representative
- 38 6 NYCRR Subpart 244-8: Compliance Certification
- 39 6 NYCRR Subpart 245-1: CAIR SO2 Trading Program General Provisions
- 40 6 NYCRR Subpart 245-2: Designated CAIR Representative



- 41 6 NYCRR Subpart 245-8: Compliance Certification
  - 42 40CFR 52.21, Subpart A: Compliance Certification
  - 43 40CFR 52.21, Subpart A: Compliance Certification
  - 44 40CFR 52.21, Subpart A: Compliance Certification
  - 45 40CFR 52.21, Subpart A: Compliance Certification
  - 46 40CFR 52.21, Subpart A: Compliance Certification
  - 47 40CFR 52.21, Subpart A: Compliance Certification
  - 48 40CFR 52.21, Subpart A: Compliance Certification
  - 49 40CFR 52.21, Subpart A: Compliance Certification
  - 50 40CFR 52.21, Subpart A: Compliance Certification
  - 51 40CFR 52.21, Subpart A: Compliance Certification
  - 52 40CFR 52.21, Subpart A: Compliance Certification
  - 53 40CFR 52.21, Subpart A: Compliance Certification
  - 54 40CFR 52.21, Subpart A: Compliance Certification
  - 55 40CFR 52.21, Subpart A: Compliance Certification
  - 56 40CFR 52.21, Subpart A: Compliance Certification
  - 57 40CFR 52.21, Subpart A: Compliance Certification
  - 58 40CFR 52.21, Subpart A: Compliance Certification
  - 59 40CFR 52.21, Subpart A: Compliance Certification
  - 60 40CFR 52.21, Subpart A: Compliance Certification
  - 61 40CFR 52.21, Subpart A: Compliance Certification
  - 62 40CFR 52.21, Subpart A: Compliance Certification
  - 63 40CFR 52.21, Subpart A: Compliance Certification
  - 64 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
  - 65 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
  - 66 40CFR 60.7(d), NSPS Subpart A: Excess emissions report.
  - 67 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
  - 68 40CFR 60.9, NSPS Subpart A: Availability of information.
  - 69 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Certification
- Emission Unit Level**
- 70 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
  - 71 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

**EU=U-00001**

- 72 6 NYCRR 227-2.6 (b) (5): Alternate CEMs requirements.
- 73 6 NYCRR 227.2 (b) (1): Compliance Certification

**EU=U-00001**

- 74 40CFR 52.21, Subpart A: Compliance Certification
- 75 40CFR 52.21, Subpart A: Compliance Certification
- 76 40CFR 52.21, Subpart A: Compliance Certification
- 77 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 78 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Certification

**EU=U-00001**

- 79 40CFR 60.334(b), NSPS Subpart GG: CEMS
- 80 40CFR 60.334(h)(3), NSPS Subpart GG: Compliance Certification
- 81 40CFR 72.6(a)(3)(vi), Subpart A: Title IV applicability.

**EU=U-00001,Proc=101**

- 82 40CFR 52.21, Subpart A: Compliance Certification
- 83 40CFR 52.21, Subpart A: Compliance Certification



- 84 40CFR 52.21, Subpart A: Compliance Certification
- 85 40CFR 52.21, Subpart A: Compliance Certification

**EU=U-00001,Proc=103**

- 86 40CFR 52.21, Subpart A: Compliance Certification
- 87 40CFR 52.21, Subpart A: Compliance Certification
- 88 40CFR 52.21, Subpart A: Compliance Certification
- 89 40CFR 52.21, Subpart A: Compliance Certification
- 90 40CFR 52.21, Subpart A: Compliance Certification
- 91 40CFR 52.21, Subpart A: Compliance Certification

**EU=U-00001,Proc=104**

- 92 40CFR 52.21, Subpart A: Compliance Certification
- 93 40CFR 52.21, Subpart A: Compliance Certification

**EU=U-00002**

- 94 40CFR 52.21, Subpart A: Compliance Certification

**EU=U-00002,Proc=201**

- 95 40CFR 52.21, Subpart A: Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 96 ECL 19-0301: Contaminant List
- 97 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 98 6 NYCRR 211.2: Air pollution prohibited
- 99 6 NYCRR 217-3.3: Exceptions
- 100 6 NYCRR 237-1.4 (a): Applicable Facility, with a unit of a capacity of 25 MWe or greater
- 101 6 NYCRR 237-1.6 (c): Compliance Demonstration
- 102 6 NYCRR 237-1.6 (e): Recordkeeping and Reporting Requirements
- 103 6 NYCRR 237-1.6 (f): Liability- facility no common stacks
- 104 6 NYCRR 237-1.6 (g): Effect on other Authorities
- 105 6 NYCRR 237-4.1: Compliance Demonstration
- 106 6 NYCRR 237-7.1: Submission of NOx allowance transfers
- 107 6 NYCRR Subpart 237-8: Compliance Demonstration
- 108 6 NYCRR 238-1.6 (c): Compliance Demonstration
- 109 6 NYCRR 238-1.6 (e): Compliance Demonstration
- 110 6 NYCRR 238-1.6 (f): Liability
- 111 6 NYCRR 238-1.6 (g): Effect on Other Authorities
- 112 6 NYCRR 238-2.1: Submissions to the Department
- 113 6 NYCRR 238-4.1: Compliance Demonstration
- 114 6 NYCRR 238-7.1: Submission of SO2 allowance transfers
- 115 6 NYCRR Subpart 238-8: Compliance Demonstration
- 116 6 NYCRR 238-1.6 (a): Permit Requirements to be included in new permits or units.



**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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

**Condition 1: Acceptable Ambient Air Quality**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 1.1:**  
Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 2.1:**  
The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 3.1:**



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

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

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

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

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 4.1:**

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

**Condition 5: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum



frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A



written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

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 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 Quality Assurance (BQA) 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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.



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

**Condition 6: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.



iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866

The address for the RAPCE is as follows:

State Office Building  
317 Washington Street  
Watertown, NY 13601-3787

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 202-2.1**

**Item 7.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

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



Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 202-2.5**

**Item 8.1:**

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

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

(b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires - Prohibitions**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 9.1:**

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

**Item 9.2**

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

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a



religious ceremony.

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

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

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

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

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

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

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.**

**[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]**

**Condition 10: Maintenance of Equipment**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 10.1:**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Condition 11: Recycling and Salvage**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 11.1:**

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



**Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air**

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 12.1:**

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

**Condition 13: Exempt Sources - Proof of Eligibility**

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 13.1:**

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

**Condition 14: Trivial Sources - Proof of Eligibility**

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 14.1:**

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

**Condition 15: Standard Requirement - Provide Information**

**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 15.1:**

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



may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: General Condition - Right to Inspect**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 16.1:**

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

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Condition 17: Standard Requirements - Progress Reports**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 17.1:**

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

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

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 18: Off Permit Changes**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 18.1:**

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made







**Condition 24: CEMS monitoring, record keeping and reporting requirements..**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 24.1:**

This facility is subject to the applicable requirements of this subdivision:, specifically paragraphs 227-2.6(b)3 and 227-2.6(b)4. The firm shall submit a quarterly written CEMS report for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter. These quarterly audit reports shall follow the guidance provided by the Department ( draft Air Guide 34) and 40 CFR Appendix F.

**Condition 25: Permit Requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 25.1:**

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

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

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

**Condition 26: Monitoring requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 26.1:**

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

**Condition 27: NOx Ozone Season Emission Requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 27.1:**

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



243-1.6(c)(2), and ending on September 30 of the same year, inclusive.

A CAIR NO<sub>x</sub> Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NO<sub>x</sub> Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> Ozone Season allowance was allocated.

CAIR NO<sub>x</sub> Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NO<sub>x</sub> Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

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

A CAIR NO<sub>x</sub> Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NO<sub>x</sub> Ozone Season allowance to or from a CAIR NO<sub>x</sub> Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**Condition 28: Excess emission requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 28.1:**

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

(1) the owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under section 243-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law; and

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

**Condition 29: Recordkeeping and reporting requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 29.1:**



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

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

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

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

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

**Condition 30: Authorization and responsibilities of CAIR designated representative**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement: 6 NYCRR 243-2.1**

**Item 30.1:**

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

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

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

No CAIR permit will be issued, no emissions data reports will be accepted, and no CAIR NOx

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Ozone Season Allowance Tracking System account will be established for a CAIR NOx Ozone Season unit at a source, until the Administrator has received a complete certificate of representation under section 243-2.4 for a CAIR designated representative of the source and the CAIR NOx Ozone Season units at the source.

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

**Condition 31: Certificate of representation**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 243-2.4**

**Item 31.1:**

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

**Condition 32: General requirements**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 243-8.1**

**Item 32.1:**

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NOx Ozone Season unit, shall comply with the monitoring, recordkeeping, 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 243-1.2 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 deemed to refer to the terms "CAIR NOx Ozone Season unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 243-1.2. The owner or operator of a unit that is not a CAIR NOx Ozone Season unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NOx Ozone Season unit.

'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR NOx Ozone Season unit shall:

(1) install all monitoring systems required under this Subpart for monitoring NOx mass emissions and individual unit heat input (including all systems required to monitor NOx

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emission rate, NO<sub>x</sub> concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);

(2) successfully complete all certification tests required under section 243-8.2 and meet all other requirements of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

**Condition 33: Prohibitions**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR 243-8.1**

**Item 33.1:**

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this Subpart without having obtained prior written approval in accordance with section 243-8.6.

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

No owner or operator of a CAIR NO<sub>x</sub> Ozone Season unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> mass emissions discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

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

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

**Condition 34: Quarterly reports**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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



**Item 34.1:**

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

If the CAIR NO<sub>x</sub> Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO<sub>x</sub> emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NO<sub>x</sub> mass emissions) for such unit for the entire year and shall report the NO<sub>x</sub> mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

(i) for a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;

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

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

For CAIR NO<sub>x</sub> Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NO<sub>x</sub> mass emission data, heat input data, and other information required by this Subpart.

**Condition 35: Compliance certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 35.1:**

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

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

(2) for a unit with add-on NO<sub>x</sub> emission controls and for all hours where NO<sub>x</sub> data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NO<sub>x</sub> emissions; and



(3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NO<sub>x</sub> emission rate and NO<sub>x</sub> concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

**Condition 36: CAIR NO<sub>x</sub> Annual Trading Program General Conditions  
Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR Subpart 244-1**

**Item 36.1:**

1) As of midnight of March 1, or midnight of the first business day thereafter if March 1 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NO<sub>x</sub> allowances available for compliance deductions for the previous control period (January 1 through December 31), in an amount not less than the total tons of nitrogen oxides emissions from all CAIR NO<sub>x</sub> units at the source during that control period. A CAIR NO<sub>x</sub> allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated. [244-1.6(c)(1), 244-1.2(b)(5), 244-1.2(b)(36), 244-1.6(c)(3)]

2) The owners and operators shall hold in their compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting a CAIR NO<sub>x</sub> unit's monitor certification requirements under section 244-8.1(b)(1), (2), or (5) and for each control period thereafter. [244-1.6(c)(2)]

3) If a CAIR NO<sub>x</sub> source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, the owners and operators of the CAIR NO<sub>x</sub> source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under 6NYCRR Part 244-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this permit, the Act, and applicable State law. [(244-1.6(d))]

4) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [244-1.6(e)]

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

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.



**Condition 37: Designated CAIR Representative**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR Subpart 244-2**

**Item 37.1:**

1) Each Clean Air Interstate Rule (CAIR) NO<sub>x</sub> source shall have one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 244-2.2, with regard to all matters under the CAIR NO<sub>x</sub> Annual Trading Program. The CAIR designated representative shall be selected by an agreement binding on the owners and operators of the source and act in accordance with the certification statement in 6NYCRR Part 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 244-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO<sub>x</sub> source represented in all matters pertaining to the CAIR NO<sub>x</sub> Annual Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source. [244-2.1(a), (b) & (c)]

(2) Each submission under the CAIR NO<sub>x</sub> Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO<sub>x</sub> source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [244-2.1(e)]

**Condition 38: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR Subpart 244-8**

**Item 38.1:**

The Compliance Certification activity will be performed for the Facility.

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

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting NO<sub>x</sub> emissions

(1) The owners and operators, and to the extent



applicable, the CAIR designated representative shall comply with all recordkeeping and reporting requirements in this condition, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6NYCRR Part 244-2.1(e)(1).

(2) The CAIR designated representative shall submit quarterly reports of the the NO<sub>x</sub> mass emissions data and heat input data for each CAIR NO<sub>x</sub> unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under 6NYCRR Part 244-8.1(b), unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008.

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

(4) For CAIR NO<sub>x</sub> units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Ozone Season Trading Program, CAIR SO<sub>2</sub> Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NO<sub>x</sub> mass emission data, heat input data, and other information required by this Subpart.

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

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

(ii) for a unit with add-on NO<sub>x</sub> emission controls and for all hours where NO<sub>x</sub> data are substituted in accordance



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

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

(7) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 6NYCRR Part 244-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record NOx mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b) . Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NOx monitoring system under appendix E to 40 CFR part 75, under 6NYCRR Part 244-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6). [224-8.2(d)(2)

Monitoring Frequency: CONTINUOUS  
Averaging Method: ANNUAL TOTAL  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 39: CAIR SO2 Trading Program General Provisions  
Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR Subpart 245-1**



**Item 39.1:**

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

[(245-1.2(b)(5), 245-1.6(c)(1), 245-1.2(b)(36), 245-1.6(c)(3)]

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

3) If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, the owners and operators of the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 6NYCRR Part 245-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.

[(245-1.6(d)]

4) Unless otherwise provided, the owners and operators of the CAIR SO<sub>2</sub> source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [245-1.6(e)]

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

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 245-8, provided that to the extent that 6NYCRR Part 245-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO<sub>2</sub> Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program.

**Condition 40: Designated CAIR Representative**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:6 NYCRR Subpart 245-2**

**Item 40.1:**

1) Each CAIR SO<sub>2</sub> source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters



under the CAIR SO<sub>2</sub> Trading Program. The CAIR designated representative of the CAIR SO<sub>2</sub> source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO<sub>2</sub> units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO<sub>2</sub> source represented and each CAIR SO<sub>2</sub> unit at the source in all matters pertaining to the CAIR SO<sub>2</sub> Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit. [245-2.1(a), (b) & (c)]

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

**Condition 41: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement: 6 NYCRR Subpart 245-8**

**Item 41.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 41.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting SO<sub>2</sub> emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR SO<sub>2</sub> unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such requirements, the definitions in section 245-1.2 and 40 CFR 72.2 shall apply, and the terms "affected unit,"



"designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR SO<sub>2</sub> unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO<sub>2</sub> unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO<sub>2</sub> unit. [245-8.1]

2) The owner or operator of each CAIR SO<sub>2</sub> unit shall:  
[245-8.1(a)]

(i) install all monitoring systems required under this Subpart for monitoring SO<sub>2</sub> mass emissions and individual unit heat input (including all systems required to monitor SO<sub>2</sub> concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.11 and 40 CFR 75.16);

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

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

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

(i) For the CAIR SO<sub>2</sub> unit that commences commercial operation before July 1, 2008, by January 1, 2009.

(ii) For the CAIR SO<sub>2</sub> unit that commences commercial operation on or after July 1, 2008, by the later of the following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

4) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under section 245-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record SO<sub>2</sub> mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify



the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system under section 245-8.1(a)(1) is subject to the recertification requirements in 40 CFR 75.20(g)(6). [245-8.2(d)(2)]

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

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

7) The owner or operator of a CAIR SO<sub>2</sub> unit shall comply with requirements of 40 CFR 75.62 for monitoring plans. [245-8.5(b)]

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

9) The CAIR designated representative shall submit quarterly reports of the SO<sub>2</sub> mass emissions data and heat input data for each CAIR SO<sub>2</sub> unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with: [245-8.5(d)(1)]

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



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

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

11) For CAIR SO<sub>2</sub> units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the SO<sub>2</sub> mass emission data, heat input data, and other information required by this Subpart. [245-8.5(d)(3)]

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

- i) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications; and
- ii) for a unit with add-on SO<sub>2</sub> emission controls and for all hours where SO<sub>2</sub> data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate SO<sub>2</sub> emissions.

Monitoring Frequency: CONTINUOUS  
Averaging Method: ANNUAL TOTAL  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 42: Compliance Certification**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 42.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 103

Emission Unit: U-00001  
Process: 104

Regulated Contaminant(s):  
CAS No: 0NY075-00-5 PM-10  
CAS No: 0NY075-00-0 PARTICULATES

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM/PM10 emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: .005 pounds per million Btus  
Reference Test Method: EPA Method 5  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 43: Compliance Certification**  
Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 43.1:**

The Compliance Certification activity will be performed for the Facility.

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

**Item 43.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

THE SULFUR CONTENT OF FUEL OIL BURNED AT

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



THE FACILITY SHALL NOT EXCEED 0.20% BY WEIGHT. THIS CONDITION ALSO COVERS THE FUEL SULFUR REQUIREMENTS OF PART 225-1.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.20 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 6 calendar month(s).

**Condition 44: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement: 40CFR 52.21, Subpart A**

**Item 44.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 101

Emission Unit: U-00001  
Process: 106

Regulated Contaminant(s):  
CAS No: 0NY075-00-5 PM-10  
CAS No: 0NY075-00-0 PARTICULATES

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM/PM10 emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: .04 pounds per million Btus  
Reference Test Method: EPA Method 5  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 45: Compliance Certification**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 45.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 102

Emission Unit: U-00001  
Process: 104

Emission Unit: U-00001  
Process: 107

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 45.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Volatile organic compound (VOC) emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: .029 pounds per million Btus

Reference Test Method: EPA Method 25

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 46: Compliance Certification**

Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 46.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 46.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

FUEL OIL USE IN THE GAS TURBINE AND DUCT BURNER IS LIMITED TO 10,200,000 GALLONS

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



PER YEAR, CALCULATED ON A DAILY ROLLING BASIS.

Work Practice Type: PROCESS MATERIAL THRUPUT  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Upper Permit Limit: 10,200,000 gallons per year  
Monitoring Frequency: DAILY  
Averaging Method: ANNUAL MAXIMUM ROLLED DAILY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 6 calendar month(s).

**Condition 47: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement: 40CFR 52.21, Subpart A**

**Item 47.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 101

Emission Unit: U-00001  
Process: 102

Emission Unit: U-00001  
Process: 106

Emission Unit: U-00001  
Process: 107

Regulated Contaminant(s):  
CAS No: 0NY075-00-5 PM-10  
CAS No: 0NY075-00-0 PARTICULATES

**Item 47.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM/PM10 emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: 27.8 pounds per hour  
Reference Test Method: EPA Method 5  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: 1-HOUR AVERAGE



Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 48: Compliance Certification**  
Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement: 40CFR 52.21, Subpart A

**Item 48.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 101

Emission Unit: U-00001  
Process: 106

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

**Item 48.2:**

Compliance Certification shall include the following monitoring:

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

PSD MASS EMISSION LIMIT FOR NO<sub>x</sub>  
EMISSIONS FROM THE COMBUSTION  
TURBINE/DUCT BURNER EXHAUST. THIS LIMIT  
IS APPLICABLE TO THE ABOVE PROCESSES  
DURING STEADY STATE OPERATION. THIS  
LIMIT IS NOT APPLICABLE DURING STARTUP,  
SHUTDOWN, AND MALFUNCTIONS. IN ADDITION,  
THE NO<sub>x</sub> MASS EMISSION LIMIT CHANGES WITH  
AMBIENT AIR TEMPERATURE AS SHOWN ON THE  
ATTACHED NO<sub>x</sub> EMISSION CURVES. PLEASE  
REFER TO THE APPROPRIATE CURVE BASED ON  
THE AMBIENT TEMPERATURE AND FUEL THE  
TURBINE IS FIRING.

Manufacturer Name/Model Number: Monitor Labs ML9841  
Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 125.3 pounds per hour  
Reference Test Method: EPA METHOD 7  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 49: Compliance Certification**  
Effective between the dates of 11/08/2010 and 11/07/2015



**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 49.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 101

Emission Unit: U-00001  
Process: 103

Emission Unit: U-00001  
Process: 106

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 49.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Volatile organic compound (VOC) emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: .009 pounds per million Btus

Reference Test Method: EPA Method 25

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 50: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 50.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 103

Emission Unit: U-00001  
Process: 104

Regulated Contaminant(s):  
CAS No: 0NY075-00-5 PM-10



CAS No: 0NY075-00-0 PARTICULATES

**Item 50.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM/PM10 emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: 3.0 pounds per hour

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 51: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 51.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 101

Emission Unit: U-00001

Process: 103

Emission Unit: U-00001

Process: 106

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 51.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD MASS EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP, SHUTDOWN, AND MALFUNCTIONS. IN ADDITION, THE CO MASS EMISSION LIMIT CHANGES WITH AMBIENT AIR TEMPERATURE AS SHOWN ON THE

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ATTACHED CO EMISSION CURVES. PLEASE REFER TO THE APPROPRIATE CURVE BASED ON THE AMBIENT TEMPERATURE AND FUEL THE TURBINE IS FIRING.

Manufacturer Name/Model Number: MONITOR LABS ML9830B  
Parameter Monitored: CARBON MONOXIDE  
Upper Permit Limit: 11.0 pounds per hour  
Reference Test Method: EPA METHOD 10  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 52: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 52.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 103

Emission Unit: U-00001  
Process: 104

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

**Item 52.2:**

Compliance Certification shall include the following monitoring:

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

PSD CONCENTRATION EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP, SHUTDOWN, AND MALFUNCTIONS.

Manufacturer Name/Model Number: Monitor Labs ML9841  
Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 42 parts per million by volume (dry, corrected to 15% O<sub>2</sub>)  
Reference Test Method: EPA METHOD 7



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**Item 54.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Volatile organic compound (VOC) emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: 15.8 pounds per hour

Reference Test Method: EPA Method 25

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 55: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 55.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 101

Emission Unit: U-00001

Process: 102

Emission Unit: U-00001

Process: 106

Emission Unit: U-00001

Process: 107

Regulated Contaminant(s):

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

**Item 55.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD CONCENTRATION EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP,



SHUTDOWN, AND MALFUNCTIONS.

Manufacturer Name/Model Number: Monitor Labs ML9841  
Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 65 parts per million by volume (dry,  
corrected to 15% O<sub>2</sub>)  
Reference Test Method: EPA METHOD 7  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 56: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 56.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 101

Emission Unit: U-00001  
Process: 103

Emission Unit: U-00001  
Process: 106

Regulated Contaminant(s):  
CAS No: 0NY998-00-0 VOC

**Item 56.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Volatile organic compound (VOC) emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: 5.0 pounds per hour  
Reference Test Method: EPA Method 25  
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 57: Compliance Certification**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 57.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 102

Emission Unit: U-00001  
Process: 107

Regulated Contaminant(s):  
CAS No: 0NY075-00-5 PM-10  
CAS No: 0NY075-00-0 PARTICULATES

**Item 57.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PM/PM10 emission limits are based on initial testing at the facility. Testing for the above processes is required once during the term of this permit to confirm compliance with this limit.

Upper Permit Limit: .10 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 58: Compliance Certification**

Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**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:

THE AMBIENT AIR TEMPERATURE AT THE FACILITY SHALL BE MONITORED AND RECORDED WITHIN AN ACCURACY OF +/- 1 DEG F.

Monitoring Frequency: CONTINUOUS

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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 59: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 59.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 102

Emission Unit: U-00001

Process: 107

Regulated Contaminant(s):

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

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD MASS EMISSION LIMIT FOR NO<sub>x</sub>  
EMISSIONS FROM THE COMBUSTION  
TURBINE/DUCT BURNER EXHAUST. THIS LIMIT  
IS APPLICABLE TO THE ABOVE PROCESSES  
DURING STEADY STATE OPERATION. THIS  
LIMIT IS NOT APPLICABLE DURING STARTUP,  
SHUTDOWN, AND MALFUNCTIONS. IN ADDITION,  
THE NO<sub>x</sub> MASS EMISSION LIMIT CHANGES WITH  
AMBIENT AIR TEMPERATURE AS SHOWN ON THE  
ATTACHED NO<sub>x</sub> EMISSION CURVES. PLEASE  
REFER TO THE APPROPRIATE CURVE BASED ON  
THE AMBIENT TEMPERATURE AND FUEL THE  
TURBINE IS FIRING.

Manufacturer Name/Model Number: Monitor Labs ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 136.1 pounds per hour

Reference Test Method: EPA METHOD 7

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 1/30/2011.

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



**Condition 60: Compliance Certification**  
Effective between the dates of 11/08/2010 and 11/07/2015

**Applicable Federal Requirement: 40CFR 52.21, Subpart A**

**Item 60.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 102

Emission Unit: U-00001  
Process: 104

Emission Unit: U-00001  
Process: 107

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 60.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD MASS EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP, SHUTDOWN, AND MALFUNCTIONS.. IN ADDITION, THE CO MASS EMISSION LIMIT CHANGES WITH AMBIENT AIR TEMPERATURE AS SHOWN ON THE ATTACHED EMISSION CURVES. PLEASE REFER TO THE APPROPRIATE CURVE BASED ON THE AMBIENT TEMPERATURE AND FUEL THE TURBINE IS FIRING.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 28.3 pounds per hour

Reference Test Method: EPA METHOD 10

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 1/30/2011.

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

**Condition 61: Compliance Certification**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 61.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 61.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

FUEL OIL USE IN THE GAS TURBINE AND THE DUCT BURNER IS LIMITED TO 25% OF THE TIME (2,190 HOURS PER YEAR), CALCULATED ON A DAILY ROLLING BASIS.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 2190 hours

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 62: Compliance Certification**

Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 62.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 101

Emission Unit: U-00001

Process: 106

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 62.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD CONCENTRATION EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION

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TURBINE/DUCT BURNER EXHAUST. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP, SHUTDOWN, AND MALFUNCTIONS.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 9.0 parts per million by volume  
(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA METHOD 7

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 1/30/2011.

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

**Condition 63: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 63.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 102

Emission Unit: U-00001

Process: 107

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 63.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD CONCENTRATION EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES DURING STEADY STATE OPERATION. THIS LIMIT IS NOT APPLICABLE DURING STARTUP, SHUTDOWN, AND MALFUNCTIONS.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 22.0 parts per million by volume

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Facility DEC ID: 6226000024



(dry, corrected to 15% O<sub>2</sub>)  
Reference Test Method: EPA METHOD 10  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 64: EPA Region 2 address.**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.4, NSPS Subpart A**

**Item 64.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

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

**Condition 65: Recordkeeping requirements.**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.7(b), NSPS Subpart A**

**Item 65.1:**

Affected owners or operators shall maintain records of occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

**Condition 66: Excess emissions report.**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.7(d), NSPS Subpart A**

**Item 66.1:**

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).





Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 12 calendar month(s).

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

**Condition 70: Emission Point Definition By Emission Unit**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 70.1:**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 213 Diameter (in.): 129  
NYTMN (km.): 4870.432 NYTME (km.): 450.097 Building: GENBLDG

**Item 70.2:**

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 30 Diameter (in.): 12  
NYTMN (km.): 4870.203 NYTME (km.): 450.231 Building: GENBLDG

**Condition 71: Process Definition By Emission Unit**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 71.1:**

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

Emission Unit: U-00001

Process: 101 Source Classification Code: 2-02-001-01

Process Description:

NO. 2 DISTILLATE FUEL OIL COMBUSTION IN  
GAS TURBINE WITHOUT SIMULTANEOUS OPERATION  
OF DUCT BURNER.

Emission Source/Control: 00001 - Combustion

Design Capacity: 500 million Btu per hour

Emission Source/Control: 00003 - Control

Control Type: STEAM OR WATER INJECTION



**Item 71.2:**

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

Emission Unit: U-00001  
Process: 102 Source Classification Code: 2-02-001-03  
Process Description:  
NO. 2 DISTILLATE FUEL OIL COMBUSTION IN  
GAS TURBINE WITH SIMULTANEOUS OPERATION OF  
DUCT BURNER FIRING NATURAL GAS.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 500 million Btu per hour

Emission Source/Control: 00004 - Combustion  
Design Capacity: 83 million Btu per hour

Emission Source/Control: 00003 - Control  
Control Type: STEAM OR WATER INJECTION

**Item 71.3:**

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

Emission Unit: U-00001  
Process: 103 Source Classification Code: 2-02-002-01  
Process Description:  
NATURAL GAS COMBUSTION IN GAS TURBINE  
WITHOUT SIMULTANEOUS OPERATION OF DUCT  
BURNER.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 500 million Btu per hour

Emission Source/Control: 00003 - Control  
Control Type: STEAM OR WATER INJECTION

**Item 71.4:**

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

Emission Unit: U-00001  
Process: 104 Source Classification Code: 2-02-002-03  
Process Description:  
NATURAL GAS COMBUSTION IN GAS TURBINE AND  
DUCT BURNER SIMULTANEOUSLY.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 500 million Btu per hour

Emission Source/Control: 00004 - Combustion  
Design Capacity: 83 million Btu per hour

Emission Source/Control: 00003 - Control



Control Type: STEAM OR WATER INJECTION

**Item 71.5:**

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

Emission Unit: U-00001  
Process: 106 Source Classification Code: 2-02-001-03  
Process Description:  
SIMULTANEOUS COMBUSTION OF NATURAL GAS AND  
NO. 2 DISTILLATE FUEL OIL IN THE GAS  
TURBINE WITHOUT SIMULTANEOUS OPERATION OF  
THE DUCT BURNER.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 500 million Btu per hour

Emission Source/Control: 00003 - Control  
Control Type: STEAM OR WATER INJECTION

**Item 71.6:**

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

Emission Unit: U-00001  
Process: 107 Source Classification Code: 2-02-001-03  
Process Description:  
SIMULTANEOUS COMBUSTION OF NATURAL GAS AND  
NO. 2 DISTILLATE FUEL OIL IN THE GAS  
TURBINE WITH SIMULTANEOUS OPERATION OF THE  
DUCT BURNER FIRING NATURAL GAS.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 500 million Btu per hour

Emission Source/Control: 00004 - Combustion  
Design Capacity: 83 million Btu per hour

Emission Source/Control: 00003 - Control  
Control Type: STEAM OR WATER INJECTION

**Item 71.7:**

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

Emission Unit: U-00002  
Process: 201 Source Classification Code: 2-02-004-01  
Process Description:  
DISTILLATE FUEL OIL COMBUSTION IN GAS  
TURBINE STARTING DIESEL ENGINE.

Emission Source/Control: 20001 - Combustion  
Design Capacity: 700 horsepower (mechanical)

**Condition 72: Alternate CEMs requirements.**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:6 NYCRR 227-2.6 (b) (5)

**Item 72.1:**

This Condition applies to Emission Unit: U-00001

**Item 72.2:**

The owner/operator shall measure NOx emissions with a continuous emissions monitoring system which follows the procedures in 40 CFR Part 75.

**Condition 73: Compliance Certification**

Effective between the dates of 11/08/2010 and 11/07/2015

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

**Item 73.1:**

The Compliance Certification activity will be performed for the facility:  
The Compliance Certification applies to:

Emission Unit: U-00001  
Process: 103

Emission Source: 00001

Emission Unit: U-00001  
Process: 104

Emission Source: 00001

Emission Unit: U-00002  
Process: 201

Emission Source: 20001

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

**Item 73.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate emission limit for a stationary combustion installation firing oil. The owner or operator shall complete the following once per term of this permit:

- 1) submit, to the Department, an acceptable protocol for the testing of particulate emission limit cited in this condition,
- 2) perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition, and
- 3) all records shall be maintained at the facility for a minimum of five years.



**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



**Item 75.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE GAS TURBINE MAY NOT OPERATE BELOW THE MINIMUM MEGAWATT GENERATOR OUTPUT FOR THE RESPECTIVE AMBIENT TEMPERATURE AS SHOWN ON THE GRAPHS EXCEPT DURING PERIODS OF STARTUP, SHUTDOWN, OR MALFUNCTION.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 76: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 76.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

**Item 76.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE TYPE AND AMOUNT OF FUEL BURNED IN THE GAS TURBINE SHALL BE MONITORED AND RECORDED WITHIN AN ACCURACY OF +/- 5 PERCENT.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 77: Monitoring requirements.**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.13, NSPS Subpart A**

**Item 77.1:**

This Condition applies to Emission Unit: U-00001

**Item 77.2:**

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

**Condition 78: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.48c(g), NSPS Subpart Dc**

**Item 78.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00001

Process: 102

Emission Source: 00004

Emission Unit: U-00001

Process: 104

Emission Source: 00004

Emission Unit: U-00001

Process: 107

Emission Source: 00004

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 78.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1. The facility shall record and maintain records of the amount of fuels combusted during each calendar month in the source, provided that the facility only burns very low sulfur fuel oil or other liquid or gaseous fuels with a potential sulfur dioxide (SO<sub>2</sub>) emissions rate of 0.32 lb/MMBtu (140 ng/J) heat input or less.

2. The records for the amount of fuel burned monthly must be made available for review upon request.

Monitoring Frequency: MONTHLY

Averaging Method: CALENDAR MONTH TOTAL

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 79: CEMS**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 60.334(b), NSPS Subpart GG**

**Item 79.1:**



This Condition applies to Emission Unit: U-00001

**Item 79.2:**

The owner or operator of any stationary gas turbine that commenced construction, reconstruction or modification after October 3, 1977, but before July 8, 2004, and which uses water or steam injection to control NOX emissions may, as an alternative to operating the continuous monitoring system described in paragraph (a) of this section, install, certify, maintain, operate, and quality-assure a continuous emission monitoring system (CEMS) consisting of NOX and O2 monitors. As an alternative, a CO2 monitor may be used to adjust the measured NOX concentrations to 15 percent O2 by either converting the CO2 hourly averages to equivalent O2 concentrations using Equation F-14a or F-14b in appendix F to 40 CFR Part 75 and making the adjustments to 15 percent O2, or by using the CO2 readings directly to make the adjustments, as described in Method 20. If the option to use a CEMS is chosen, the CEMS shall be installed, certified, maintained and operated as specified in 40 CFR 60.334(b)(1), (2) and (3).

**Condition 80: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement: 40CFR 60.334(h)(3), NSPS Subpart GG**

**Item 80.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

**Item 80.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Notwithstanding the provisions of paragraph (h)(1) of 40 CFR 60.334(h), the owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is demonstrated to meet the definition of natural gas in §60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:

(i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

(ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to 40 CFR part 75 of this chapter is required.

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 81: Title IV applicability.**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 72.6(a)(3)(vi), Subpart A**

**Item 81.1:**  
This Condition applies to Emission Unit: U-00001

**Item 81.2:**  
This emission source is subject to the title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77, and 78.

**Condition 82: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 82.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 101

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

**Item 82.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING STARTUP. STARTUP IS  
INITIATED WHEN FUEL BEGINS BEING  
COMBUSTED. STARTUP IS LIMITED TO 3 HOURS  
PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS/ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 290.8 pounds per hour

Reference Test Method: EPA METHOD 7E

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



The initial report is due 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 83: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 83.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 101

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

**Item 83.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING SHUTDOWN. SHUTDOWN IS  
LIMITED TO 2 HOURS PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 50.0 pounds per hour

Reference Test Method: EPA METHOD 7E

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 1/30/2011.

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

**Condition 84: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 84.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 101

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



**Item 84.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST DURING STARTUP. STARTUP IS INITIATED WHEN FUEL BEGINS BEING COMBUSTED. STARTUP IS LIMITED TO 3 HOURS PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 40.0 pounds per hour

Reference Test Method: EPA METHOD 10

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 1/30/2011.

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

**Condition 85: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 85.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 101

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 85.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST DURING SHUTDOWN. SHUTDOWN IS LIMITED TO 2 HOURS PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 18.0 pounds

Reference Test Method: EPA METHOD 10

Monitoring Frequency: CONTINUOUS

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



Averaging Method: 2-HOUR BLOCK AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 86: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 86.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 103

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

**Item 86.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING SHUTDOWN. SHUTDOWN IS  
LIMITED TO 2 HOURS PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS/ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 35.0 pounds per hour

Reference Test Method: EPA METHOD 7E

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 1/30/2011.

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

**Condition 87: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 87.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 103

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



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

**Item 87.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR NO<sub>x</sub> EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING STARTUP. STARTUP IS  
INITIATED WHEN FUEL BEGINS BEING  
COMBUSTED. STARTUP IS LIMITED TO 3 HOURS  
PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS/ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 206.1 pounds per hour

Reference Test Method: EPA METHOD 7E

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 1/30/2011.

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

**Condition 88: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 88.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 103

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

**Item 88.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD MASS EMISSION LIMIT FOR NO<sub>x</sub>  
EMISSIONS FROM THE COMBUSTION  
TURBINE/DUCT BURNER EXHAUST. THIS LIMIT  
IS APPLICABLE TO THE ABOVE PROCESSES. IN  
ADDITION, THE NO<sub>x</sub> MASS EMISSION LIMIT  
CHANGES WITH AMBIENT AIR TEMPERATURE AS  
SHOWN ON THE ATTACHED NO<sub>x</sub> EMISSION

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



CURVES. PLEASE REFER TO THE APPROPRIATE CURVE BASED ON THE AMBIENT TEMPERATURE AND FUEL THE TURBINE IS FIRING.

Manufacturer Name/Model Number: MONITOR LABS/ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 76.6 pounds per hour

Reference Test Method: EPA METHOD 7E

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 1/30/2011.

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

**Condition 89: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 89.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 103

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 89.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD CONCENTRATION EMISSION LIMIT FOR CO EMISSIONS FROM THE COMBUSTION TURBINE/DUCT BURNER EXHAUST. THIS LIMIT IS APPLICABLE TO THE ABOVE PROCESSES.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 10.0 parts per million by volume

(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA METHOD 10

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 1/30/2011.

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

**Condition 90: Compliance Certification**



Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 90.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 103

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 90.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR CO EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING STARTUP. STARTUP IS  
INITIATED WHEN FUEL BEGINS BEING  
COMBUSTED. STARTUP IS LIMITED TO 3 HOURS  
PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 21.0 pounds per hour

Reference Test Method: EPA METHOD 10

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 1/30/2011.

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

**Condition 91: Compliance Certification**

Effective between the dates of 11/08/2010 and 11/07/2015

Applicable Federal Requirement:40CFR 52.21, Subpart A

**Item 91.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 103

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 91.2:**

Compliance Certification shall include the following monitoring:

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

MASS EMISSION LIMIT FOR CO EMISSIONS  
FROM THE COMBUSTION TURBINE/DUCT BURNER  
EXHAUST DURING SHUTDOWN. SHUTDOWN IS  
LIMITED TO 2 HOURS PER OCCURRENCE.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 18.0 pounds

Reference Test Method: EPA METHOD 10

Monitoring Frequency: CONTINUOUS

Averaging Method: 2-HOUR BLOCK AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 92: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 92.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 104

Regulated Contaminant(s):

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

**Item 92.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD MASS EMISSION LIMIT FOR NO<sub>x</sub>  
EMISSIONS FROM THE COMBUSTION  
TURBINE/DUCT BURNER EXHAUST. THIS LIMIT  
IS APPLICABLE TO THE ABOVE PROCESSES. IN  
ADDITION, THE NO<sub>x</sub> MASS EMISSION LIMIT  
CHANGES WITH AMBIENT AIR TEMPERATURE AS  
SHOWN ON THE ATTACHED NO<sub>x</sub> EMISSION  
CURVES. PLEASE REFER TO THE APPROPRIATE  
CURVE BASED ON THE AMBIENT TEMPERATURE  
AND FUEL THE TURBINE IS FIRING.

Manufacturer Name/Model Number: MONITOR LABS/ML9841

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 87.4 pounds per hour

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



Reference Test Method: EPA METHOD 7E  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 93: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 93.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 104

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 93.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PSD CONCENTRATION EMISSION LIMIT FOR CO  
EMISSIONS FROM THE COMBUSTION  
TURBINE/DUCT BURNER EXHAUST. THIS LIMIT  
IS APPLICABLE TO THE ABOVE PROCESSES.

Manufacturer Name/Model Number: MONITOR LABS ML9830B

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 23.0 parts per million by volume  
(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA METHOD 10  
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 1/30/2011.  
Subsequent reports are due every 3 calendar month(s).

**Condition 94: Compliance Certification**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 94.1:**

The Compliance Certification activity will be performed for:

**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



Emission Unit: U-00002

**Item 94.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE STARTING DIESEL ENGINE SHALL NOT OPERATE SIMULTANEOUSLY WITH THE GAS TURBINE EXCEPT DURING PERIODS OF GAS TURBINE STARTUP, SHUTDOWN, OR MALFUNCTION.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 95: Compliance Certification**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 95.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Process: 201

**Item 95.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

OPERATION OF THE STARTING DIESEL ENGINE FOR THE GAS TURBINE IS LIMITED TO 150 HOURS PER YEAR, CALCULATED ON A DAILY ROLLING BASIS.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 150 hours

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED DAILY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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



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

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

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

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

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

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

**Condition 96: Contaminant List**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 96.1:**  
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000630-08-0  
Name: CARBON MONOXIDE



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

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

CAS No: 0NY075-00-5  
Name: PM-10

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

CAS No: 0NY998-00-0  
Name: VOC

**Condition 97: Unavoidable noncompliance and violations**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 201-1.4**

**Item 97.1:**

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

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

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



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

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

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

**Condition 98: Air pollution prohibited**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 98.1:**

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

**Condition 99: Exceptions**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 217-3.3**

**Item 99.1:**

The prohibitions of section 217-3.2(b) of this subpart shall not apply when:

1) A bus or truck is forced to remain motionless because of the traffic conditions over which the operator thereof has no control.

2) Regulations adopted by Federal, State or local agencies having jurisdiction require the maintenance of a specific temperature for passenger comfort. The idling time specified in section 217-3.2(b) of this Subpart may be increased, but only to the extent necessary to comply with such regulations.

3) A diesel engine is being used to provide power for an auxiliary purpose, such as loading, discharging, mixing or processing cargo; controlling cargo temperature; construction; lumbering; oil or gas well servicing; farming; or when operation of the engine is required for the purpose of maintenance.

4) Fire, police and public utility trucks and other vehicles are performing



emergency services.

5) Trucks owned or operated by persons engaged in mining quarrying are used within the confines of such person's property.

6) A truck is to remain motionless for a period exceeding two hours, and during which period the ambient temperature is continuously below 25 degrees F.

**Condition 100: Applicable Facility, with a unit of a capacity of 25 MWe or greater**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 237-1.4 (a)**

**Item 100.1:**

Any unit, that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe and sells any amount of electricity shall be a NOx budget unit, and any source that includes one or more such units shall be a NOx budget source, subject to the requirements of NYCRR 237.

**Condition 101: Compliance Demonstration**

**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 237-1.6 (c)**

**Item 101.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 101.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under NYCRR 237-6.5, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with NYCRR 237-8.

Each ton of NOx emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of applicable State law.

A NOx budget unit shall be subject to the requirements under NYCRR 237-1.6(c)(1) starting when the unit commences operation.

NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts



in accordance with NYCRR 237-5, 237-6, 237-7, and 237-9.

Except for future control period NOx allowances which may be deducted pursuant to NYCRR 237-6.5(f), a NOx allowance shall not be deducted, in order to comply with the requirements under NYCRR 237-1.6(c)(1), for a control period in a year prior to the year for which the NOx allowance was allocated.

A NOx allowance allocated by the department under the Acid Deposition Reduction (ADR) NOx Budget Trading Program is a limited authorization to emit one ton of NOx in accordance with the ADR NOx Budget Trading Program. No provision of the ADR NOx Budget Trading Program, the NOx budget permit application, or the NOx budget permit or any provision of law shall be construed to limit the authority of the State to terminate or limit such authorization.

A NOx allowance allocated by the department under the ADR NOx Budget Trading Program does not constitute a property right.

The owners and operators of a NOx budget unit that has excess emissions in any control period shall: Forfeit the NOx allowances required for deduction under NYCRR 237-6.5(d)(1); and pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 237-6.5(d)(3).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 102: Recordkeeping and Reporting Requirements  
Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 102.1:**

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

1) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 237-2.4; provided that the certificate and documents shall be retained on site at the source





Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

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

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

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

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



including:

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

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

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEPTEMBER 30

**Condition 106: Submission of NOx allowance transfers  
Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 237-7.1**

**Item 106.1:**

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

(a) the numbers identifying both the transferor and transferee accounts;



(b) a specification by serial number of each NOx allowance to be transferred; and

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

**Condition 107: Compliance Demonstration**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR Subpart 237-8**

**Item 107.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 107.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 108: Compliance Demonstration**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-1.6 (c)**



**Item 108.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 108.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of each SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall hold SO<sub>2</sub> allowances available for compliance deductions under NYCRR 238-6.5, as of the SO<sub>2</sub> allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO<sub>2</sub> emissions for the control period from the unit, as determined in accordance with NYCRR 238-8.

Each ton of sulfur dioxide emitted in excess of the SO<sub>2</sub> budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

An SO<sub>2</sub> budget unit shall be subject to the requirements under NYCRR 1.6 (c)(1) on the date on which the unit commences operation.

SO<sub>2</sub> allowances shall be held in, deducted from, or transferred among SO<sub>2</sub> Allowance Tracking System accounts in accordance with NYCRR 238-5, 238-6, and 238-7.

Except for future control period SO<sub>2</sub> allowances which may be deducted pursuant to NYCRR 238-6.5(f), an SO<sub>2</sub> allowance shall not be deducted, in order to comply with the requirements under NYCRR 238-1.6(c)(1) for a control period in a year prior to the year for which the SO<sub>2</sub> allowance was allocated.

An SO<sub>2</sub> allowance allocated by the department under the ADR SO<sub>2</sub> budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO<sub>2</sub> Budget Trading Program. No provision of the ADR SO<sub>2</sub> Budget Trading Program, the SO<sub>2</sub> budget permit application, or the SO<sub>2</sub> budget permit or any provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

An SO<sub>2</sub> allowance allocated by the department under the ADR SO<sub>2</sub> Budget Trading Program does not constitute a property right.



The owners and operators of an SO<sub>2</sub> budget unit that has excess emissions in any control period shall: Forfeit the SO<sub>2</sub> allowances required for deduction under NYCRR 238-6.5(d)(1); and Pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 238-6.5(d)(3).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 109: Compliance Demonstration**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

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

**Item 109.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 109.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Unless otherwise provided, the owners and operators of the SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall keep on site or at a site approved by the Department each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the department.

The account certificate of representation for the SO<sub>2</sub> authorized account representative for the source and each SO<sub>2</sub> budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 238-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the SO<sub>2</sub> authorized account representative;

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

Copies of all reports, compliance certifications, and other submissions and all records made or required under



the ADR SO2 Budget Trading Program;

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 110: Liability**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-1.6 (f)**

**Item 110.1:**

No permit revision shall excuse any violation of the requirements of the ADR SO2 Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget source (including a provision applicable to the SO2 authorized account representative of an SO2 budget source) shall also apply to the owners and operators of such source and of the SO2 budget units at the source;

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget unit (including a provision applicable to the SO2 authorized account representative of an SO2 budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 238-8, the owners and operators and the SO2 authorized account representative of one SO2 budget unit shall not be liable for any violation by any other SO2 budget unit of which they are not owners or operators or the SO2 authorized account representative and that is located at a source of which they are not owners or operators or the SO2 authorized account representative.

**Condition 111: Effect on Other Authorities**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-1.6 (g)**

**Item 111.1:**

No provision of the ADR SO2 Budget Trading Program, an SO2 budget permit application, or an SO2 budget permit, shall be construed as exempting or excluding the owners and operators



and, to the extent applicable, the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source or SO<sub>2</sub> budget unit from compliance with any other provisions of applicable State and federal law and regulation.

**Condition 112: Submissions to the Department**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-2.1**

**Item 112.1:**

Each submission under the Acid Deposition Reduction (ADR) SO<sub>2</sub> Budget Trading Program shall be submitted, signed, and certified by the SO<sub>2</sub> authorized account representative for each SO<sub>2</sub> budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO<sub>2</sub> authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO<sub>2</sub> budget sources or SO<sub>2</sub> budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

**Condition 113: Compliance Demonstration**  
**Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-4.1**

**Item 113.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 113.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO<sub>2</sub> budget units at a source are subject to the SO<sub>2</sub> budget emissions limitation, the SO<sub>2</sub> authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

The SO<sub>2</sub> authorized account representative shall include in the compliance certification the following elements, in a format prescribed by the department, concerning each unit at the source and subject to the SO<sub>2</sub> budget emissions limitation for the control period covered by the



report:

- (1) identification of each SO<sub>2</sub> budget unit;
- (2) except in instances when the SO<sub>2</sub> budget unit seeks to use future control period SO<sub>2</sub> allowances which may be deducted pursuant to NYCRR 238-6.5(f), at the SO<sub>2</sub> authorized account representative's option, the serial numbers of the SO<sub>2</sub> allowances that are to be deducted from each unit's compliance account under NYCRR 238-6.5 for the control period;
- (3) at the SO<sub>2</sub> authorized account representative's option, for units sharing a common stack and having SO<sub>2</sub> emissions that are not monitored separately or apportioned in accordance with NYCRR 238-8, the percentage of SO<sub>2</sub> allowances that is to be deducted from each unit's compliance account under NYCRR 238-6.5(e);
- (4) for units using future control period allowances for compliance purposes pursuant to NYCRR 238-6.5(f), the statement of intent and report required under NYCRR 238-6.5(f)(2); and
- (5) the compliance certification under NYCRR 238-4.1(c).

In the compliance certification report, the SO<sub>2</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the SO<sub>2</sub> budget units at the source in compliance with the ADR SO<sub>2</sub> Budget Trading Program, whether each SO<sub>2</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the ADR SO<sub>2</sub> Budget Trading Program applicable to the unit, including:

- (a) whether the unit was operated in compliance with the SO<sub>2</sub> budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO<sub>2</sub> emissions to the unit, in accordance with Subpart 238-8;
- (c) whether all the SO<sub>2</sub> 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



**New York State Department of Environmental Conservation**

Permit ID: 6-2260-00024/00007

Facility DEC ID: 6226000024



The Compliance Demonstration activity will be performed for the Facility.

**Item 115.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators, and to the extent applicable, the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget unit, shall comply with the monitoring and reporting requirements as provided for in all applicable sections of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 238-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "SO<sub>2</sub> budget unit," and "SO<sub>2</sub> authorized account representative," respectively, as defined in NYCRR 238-1.2.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2011.

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

**Condition 116: Permit Requirements to be included in new permits or units. Effective between the dates of 11/08/2010 and 11/07/2015**

**Applicable State Requirement:6 NYCRR 238-1.6 (a)**

**Item 116.1:**

(this space used for Emission Unit)

**Item 116.2:**

The SO<sub>2</sub> authorized account representative of each SO<sub>2</sub> budget unit shall:

(i) submit to the department a complete SO<sub>2</sub> budget permit application under section 238-3.3 in accordance with the deadlines specified in NYCRR 238-3.2; which states the later of October 1, 2004 or 12 months before the date on which the SO<sub>2</sub> budget unit commences operation;

(ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review an SO<sub>2</sub> budget permit application and issue or deny an SO<sub>2</sub> budget permit.

The owners and operators of each SO<sub>2</sub> budget unit shall have an SO<sub>2</sub> budget permit and operate the unit in compliance with such SO<sub>2</sub> budget permit.

