



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 6-3013-00183/00006  
Effective Date: 03/09/2009 Expiration Date: 03/08/2014

Permit Issued To: GUSC ENERGY INC  
410 PHOENIX DR  
ROME, NY 13441

Facility: GRIFFISS CENTRAL HEAT PLANT  
655 ELLSWORTH RD  
ROME, NY 13441

Contact: DANIEL MANEEN  
GRIFFISS UTILITY SERVICES CORPORATION  
410 PHOENIX DR  
ROME, NY 13441  
(315) 838-4872

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: PATRICK M CLEAREY  
NYSDEC - REG 6  
207 GENESEE ST  
UTICA, NY 13501

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 at least 30 days before the expiration of the permit.



**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: 6-3013-00183/00006

Facility DEC ID: 6301300183



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: GUSC ENERGY INC  
410 PHOENIX DR  
ROME, NY 13441

Facility: GRIFFISS CENTRAL HEAT PLANT  
655 ELLSWORTH RD  
ROME, NY 13441

Authorized Activity By Standard Industrial Classification Code:  
4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date: 03/09/2009

Permit Expiration Date: 03/08/2014



## 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 Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 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 201-6.1 (a): Compliance Certification
- 25 6 NYCRR 201-7.1: Facility Permissible Emissions
- \*26 6 NYCRR 201-7.1: Capping Monitoring Condition
- 27 6 NYCRR 225-1.2 (a) (2): Compliance Certification
- 28 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Certification

#### Emission Unit Level

- 29 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 30 6 NYCRR Subpart 201-6: Process Definition By Emission Unit
- 31 6 NYCRR 201-7.1: Emission Unit Permissible Emissions

#### EU=U-0029A

- 32 6 NYCRR 225-1.8 (d): Sampling, compositing, and analysis of fuel samples
- 33 6 NYCRR 227-1.3 (a): Compliance Certification

#### EU=U-0029A,Proc=OIL

- 34 6 NYCRR 225-1.8 (a): Compliance Certification

#### EU=U-0029A,Proc=SD1,ES=029A2

- 35 6 NYCRR 231-2.7: Compliance Certification



**EU=U-0029A,Proc=SD1,ES=029B4**

36 6 NYCRR 231-2.7: Compliance Certification

**EU=U-0029A,EP=0029A,Proc=GAS,ES=029A1**

37 6 NYCRR 201-6.1 (a): Compliance Certification

**EU=U-0029A,EP=0029A,Proc=OIL,ES=029A1**

38 6 NYCRR 201-6.1 (a): Compliance Certification

**EU=U-0029C**

39 6 NYCRR 201-6.1: Compliance Certification

40 6 NYCRR 201-6.1: Compliance Certification

\*41 6 NYCRR 201-7.1: Capping Monitoring Condition

\*42 6 NYCRR 201-7.1: Capping Monitoring Condition

\*43 6 NYCRR 201-7.1: Capping Monitoring Condition

\*44 6 NYCRR 201-7.1: Capping Monitoring Condition

45 6 NYCRR 227-1.3 (a): Compliance Certification

**EU=U-0029C,Proc=WOD,ES=029C3**

46 40CFR 60.40c, NSPS Subpart Dc: Applicability of this Subpart to this emission source

47 40CFR 60.48c(a), NSPS Subpart Dc: Compliance Certification

48 40CFR 60.48c(i), NSPS Subpart Dc: Compliance Certification

**EU=U-0029C,Proc=WOD,ES=029C6**

49 6 NYCRR 212.4 (c): Compliance Certification

50 6 NYCRR 212.6 (a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

51 ECL 19-0301: Contaminant List

52 6 NYCRR 201-1.4: Unavoidable noncompliance and violations

53 6 NYCRR 211.2: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.



**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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



**Condition 6: Compliance Certification**  
Effective between the dates of 03/09/2009 and 03/08/2014

**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

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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 1/30/2010.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**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. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

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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 03/09/2009 and 03/08/2014

**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 Prohibited at Industrial and Commercial Sites**  
Effective between the dates of 03/09/2009 and 03/08/2014

**Applicable Federal Requirement:6 NYCRR Part 215**

**Item 9.1:**

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

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

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

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

**Condition 10: Maintenance of Equipment**  
Effective between the dates of 03/09/2009 and 03/08/2014

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 03/09/2009 and 03/08/2014**

**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 without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

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

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

**Condition 19: Required Emissions Tests**

**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 19.1:**

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

**Condition 20: Visible Emissions Limited**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 211.3**

**Item 20.1:**

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

**Condition 21: Accidental release provisions.**



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flue gas recirculation and two decommissioned coal fired boilers. Two boilers share a single stack (for 2 total emission points).

Building(s): 16

**Item 23.2:**

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

Emission Unit: U-0029C

Emission Unit Description:

The emission unit includes two 85 mmBTU/hr gasification vessels that use woody biomass, including industrial residue material extracted from construction and demolition debris, each followed by a 50000 PPH SYN-gas combustion and steam generation unit using heat recovery steam generators. There will be one common stack. In addition, a wood-chipper will be part of this emission unit to reduce the size of any off spec wood.

Building(s): NEWBH

**Condition 24: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.1 (a)**

**Item 24.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-0029A

Process: OIL

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility shall limit distillate fuel usage to 2,755,000 gallons during any consecutive 12 month period. Facility shall provide a report, with the required calculations and a demonstration of compliance with this limit to the NYSDEC Region 6 office by the reporting deadlines contained below.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Upper Permit Limit: 2,755,000 gallons per year

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Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2010.  
Subsequent reports are due every 12 calendar month(s).

**Condition 25: Facility Permissible Emissions**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 25.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 000630-08-0 Name: CARBON MONOXIDE	PTE: 376,000 pounds per year
CAS No: 0NY075-00-0 Name: PARTICULATES	PTE: 199,800 pounds per year
CAS No: 0NY075-00-5 Name: PM-10	PTE: 199,800 pounds per year
CAS No: 0NY210-00-0 Name: OXIDES OF NITROGEN	PTE: 399,600 pounds per year
CAS No: 0NY998-00-0 Name: VOC	PTE: 99,800 pounds per year

**Condition 26: Capping Monitoring Condition**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 26.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 26.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 26.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a

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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.

**Item 26.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 26.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 26.6:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 26.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

As proof of exempt eligibility for the emergency generators, the facility will maintain monthly records which demonstrate that each engine is operated less than 500 hours per year on a 12-month rolling total basis.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 500 hours per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

**Condition 27: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 27.1:**

The Compliance Certification activity will be performed for the facility:



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Monitoring Frequency: DAILY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2009.  
Subsequent reports are due every 6 calendar month(s).

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

**Condition 29: Emission Point Definition By Emission Unit**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 29.1:**

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

Emission Unit: U-0029A

Emission Point: 0029A

Height (ft.): 182                      Diameter (in.): 58  
NYTMN (km.): 4785.051    NYTME (km.): 467.128    Building: 16

Emission Point: 0029B

Height (ft.): 182                      Diameter (in.): 58  
NYTMN (km.): 4785.054    NYTME (km.): 467.146    Building: 16

**Item 29.2:**

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

Emission Unit: U-0029C

Emission Point: 0029C

Height (ft.): 80                      Diameter (in.): 48  
NYTMN (km.): 4785.112    NYTME (km.): 467.231    Building: NEWBH

Emission Point: 0029D

Height (ft.): 45                      Diameter (in.): 8  
NYTMN (km.): 4785.088    NYTME (km.): 467.234    Building: NEWBH

**Condition 30: Process Definition By Emission Unit**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 30.1:**

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

Emission Unit: U-0029A

Process: GAS                                      Source Classification Code: 1-02-006-02

Process Description:



This is a gas fired backup boiler in an existing building.

Emission Source/Control: 029A1 - Combustion  
Design Capacity: 114 million BTUs per hour

Emission Source/Control: 029B1 - Combustion  
Design Capacity: 114 million BTUs per hour

**Item 30.2:**

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

Emission Unit: U-0029A  
Process: OIL Source Classification Code: 1-02-005-01  
Process Description:  
This process is for oil combustion in an existing boiler.

Emission Source/Control: 029A1 - Combustion  
Design Capacity: 114 million BTUs per hour

Emission Source/Control: 029B1 - Combustion  
Design Capacity: 114 million BTUs per hour

**Item 30.3:**

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

Emission Unit: U-0029A  
Process: SD1 Source Classification Code: 1-02-002-04  
Process Description:  
This process involves the permanent shutdown of boilers 2 & 4. No further operation is allowed.

Emission Source/Control: 029A2 - Combustion Removal Date: 05/14/1998  
Design Capacity: 114 million Btu per hour

Emission Source/Control: 029B4 - Combustion Removal Date: 05/14/1998  
Design Capacity: 114 million Btu per hour

**Item 30.4:**

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

Emission Unit: U-0029C  
Process: WOD Source Classification Code: 1-02-009-07  
Process Description:  
This process is the proposed biomass gasification process with syn-gas combustion and steam generation using heat recovery steam generators. The process includes control equipment such as the electrostatic precipitator and selective non-catalytic reduction (SNCR).

Emission Source/Control: 029C1 - Combustion  
Design Capacity: 85 million Btu per hour

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Emission Source/Control: 029C2 - Combustion  
Design Capacity: 85 million Btu per hour

Emission Source/Control: 029C3 - Combustion  
Design Capacity: 85 million Btu per hour

Emission Source/Control: 029C4 - Combustion  
Design Capacity: 85 million Btu per hour

Emission Source/Control: 029C5 - Control  
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: 029C6 - Process

**Condition 31: Emission Unit Permissible Emissions**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 31.1:**

The sum of emissions from all regulated processes specified in this permit for the emission unit cited

shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: U-0029A

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 22.8 pounds per hour

199,800 pounds per year

Emission Unit: U-0029C

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

PTE(s): 22.8 pounds per hour

199,800 pounds per year

**Condition 32: Sampling, compositing, and analysis of fuel samples**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 225-1.8 (d)**

**Item 32.1:**

This Condition applies to Emission Unit: U-0029A

**Item 32.2:**

All sampling, compositing, and analysis of fuel samples, taken to determine compliance with 6 NYCRR Part 225-1, must be done in accordance with methods acceptable to the commissioner.



**Condition 33: Compliance Certification**  
Effective between the dates of 03/09/2009 and 03/08/2014

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

**Item 33.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029A

**Item 33.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall operate a stationary combustion installation which exhibits greater than 20 percent opacity (six minute average), except for one-six-minute period per hour of not more than 27 percent opacity.

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

The permittee will conduct observations of visible emissions from the emission unit, process, etc. to which this condition applies at the monitoring frequency stated below while the process is in operation. The permittee will investigate, in a timely manner, any instance where there is cause to believe that visible emissions have the potential to exceed the opacity standard.

The permittee shall investigate the cause, make any necessary corrections, and verify that the excess visible emissions problem has been corrected. If visible emissions with the potential to exceed the standard continue, the permittee will conduct a Method 9 assessment within the next operating day of the sources associated with the potential noncompliance to determine the degree of opacity and will notify the NYSDEC if the method 9 test indicates that the opacity standard is not met.

Records of visible emissions observations (or any follow-up method 9 tests), investigations and corrective actions will be kept on-site. Should the Department determine that permittee's record keeping format is inadequate to demonstrate compliance with this condition, it shall provide written notice to the permittee stating the inadequacies, and permittee shall have 90 days to revise its prospective record keeping format in a manner acceptable to the Department.

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Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: Method 9  
Monitoring Frequency: DAILY  
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2009.  
Subsequent reports are due every 6 calendar month(s).

**Condition 34: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 34.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029A  
Process: OIL

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: PER DELIVERY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2009.  
Subsequent reports are due every 6 calendar month(s).

**Condition 35: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 231-2.7**

**Item 35.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029A  
Process: SD1  
Emission Source: 029A2

**Item 35.2:**

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission Source ID Number 029A2

1. The above referenced emission source is prohibited from further operation.
2. The facility has established:
  - a. 17.9 tons per year of NOx emission reduction credits by shutdown of the above referenced emission source which may be used or transferred for offset purposes: and
  - b. 17.9 tons per year of NOx emission reductions credits by shutdown of the above referenced emission source which may be used for netting purposes provided the reductions are contemporaneous with a proposed source project at the facility.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 36: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 231-2.7**

**Item 36.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029A

Process: SD1

Emission Source: 029B4

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission Source ID Number 029B4

1. The above referenced emission source is prohibited from further operation.
2. The facility has established:
  - a. 17.9 tons per year of NOx emission reduction credits by shutdown of the above referenced emission source which may be used or transferred for offset purposes: and

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b. 17.9 tons per year of NO<sub>x</sub> emission reductions credits by shutdown of the above referenced emission source which may be used for netting purposes provided the reductions are contemporaneous with a proposed source project at the facility.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 37: Compliance Certification**  
Effective between the dates of 03/09/2009 and 03/08/2014

**Applicable Federal Requirement:6 NYCRR 201-6.1 (a)**

**Item 37.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029A

Emission Point: 0029A

Process: GAS

Emission Source: 029A1

Regulated Contaminant(s):

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

**Item 37.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Oxides of nitrogen will be monitored periodically as requested. The monitoring shall prove that the emission limits for oxides of nitrogen of 0.10 lb/mmbtu as mandated by phase II NO<sub>x</sub> RACT for repowering. As long as the 0.1 lb/mmbtu emission limit is met, the testing frequency shall remain at three years. However, if the emission limit is not met, the testing frequency shall revert back to annually.

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: METHOD 7E

Monitoring Frequency: Once every three years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 38: Compliance Certification**  
Effective between the dates of 03/09/2009 and 03/08/2014

**Applicable Federal Requirement:6 NYCRR 201-6.1 (a)**

**Item 38.1:**

The Compliance Certification activity will be performed for:

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Emission Unit: U-0029A  
Process: OIL

Emission Point: 0029A  
Emission Source: 029A1

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

**Item 38.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Oxides of nitrogen will be monitored periodically as requested. The monitoring shall prove that the emission limits for oxides of nitrogen of 0.10 lb/mmbtu as mandated by phase II NO<sub>x</sub> RACT for repowering. As long as the 0.1 lb/mmbtu emission limit is met, the testing frequency shall remain at three years. However, if the emission limit is not met, the testing frequency shall revert back to annually.

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: METHOD 7E

Monitoring Frequency: Once every three years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 39: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-6.1**

**Item 39.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

GUSC is limited to using a maximum of 30% by weight of unadulterated wood material from construction and demolition streams. This C&D wood must come sources that have Beneficial Use Determinations (BUDs) or have been approved by the Division of Solid and Hazardous Materials.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: WOODWASTE

Upper Permit Limit: 30 percent by weight

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Monitoring Frequency: CONTINUOUS  
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 7/30/2009.  
Subsequent reports are due every 6 calendar month(s).

**Condition 40: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement: 6 NYCRR 201-6.1**

**Item 40.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

**Item 40.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

Every load of unadulterated wood waste from Construction and Demolition debris that comes to the facility must be inspected for non-wood contaminants such as, but not limited to plastic, painted wood, insulation, and plaster. A load containing greater than 10% non-wood contaminants shall be rejected and returned to the sending facility. The unadulterated wood waste shall come from Part 360 permitted facilities that have received a BUD from the Division of Solid and Hazardous Materials only. The facility must maintain a log of all unadulterated wood waste that enters the facility including the delivery date, weight, visual inspection findings, and signature of the person inspecting the load for contaminants.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WOOD

Parameter Monitored: WASTE MATERIAL

Upper Permit Limit: 10 percent

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED PER  
OCCURRENCE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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

**Condition 41: Capping Monitoring Condition**  
**Effective between the dates of 03/09/2009 and 03/08/2014**





permit.

Manufacturer Name/Model Number: Simoneau Water Tube Boiler

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.134 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 42: Capping Monitoring Condition**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 42.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40 CFR 52.21

**Item 42.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 42.3:**

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.

**Item 42.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 42.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 42.6:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

New York State Department of Environmental Conservation

Permit ID: 6-3013-00183/00006

Facility DEC ID: 6301300183



Regulated Contaminant(s):

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

**Item 42.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The syn-gas fired boiler must be stack tested to determine NOx emissions once during the term of the permit.

Manufacturer Name/Model Number: Simoneau Water Tube Boiler

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.134 pounds per million Btus

Reference Test Method: EPA Method 7E

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 43: Capping Monitoring Condition**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 43.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40 CFR 52.21

**Item 43.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 43.3:**

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.

**Item 43.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

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Permit ID: 6-3013-00183/00006

Facility DEC ID: 6301300183



**Item 43.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 43.6:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 43.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The syn-gas fired boiler must be stack tested to determine CO emissions once during the term of the permit.

Manufacturer Name/Model Number: Simoneau Water Tube Boiler

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 0.171 pounds per million Btus

Reference Test Method: EPA Method 10

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 44: Capping Monitoring Condition**

**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 44.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40 CFR 52.21

**Item 44.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 44.3:**

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.

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Facility DEC ID: 6301300183



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.

**Item 44.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 44.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 44.6:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

Regulated Contaminant(s):

CAS No: 0NY998-00-0 VOC

**Item 44.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The syn-gas fired boiler must be stack tested to determine VOC emissions once during the term of the permit.

Manufacturer Name/Model Number: Simoneau Water Tube Boiler

Parameter Monitored: VOC

Upper Permit Limit: 0.067 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 45: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 45.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

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**Item 45.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

**Condition 46: Applicability of this Subpart to this emission source  
Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement:40CFR 60.40c, NSPS Subpart Dc**

**Item 46.1:**

This Condition applies to:

Emission Unit: U0029C

Process: WOD

Emission Source: 029C4

**Item 46.1:**

This Condition applies to Emission Unit: U-0029C

Process: WOD

Emission

Source: 029C3

**Item 46.2.3:**

This emission source is subject to the applicable General Provisions of 40 CFR 60 Subpart Dc. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

**Condition 47: Compliance Certification  
Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 47.1:**

The Compliance Certification activity will be performed for the facility:

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The Compliance Certification applies to:

Emission Unit: U-0029C

Process: WOD

Emission Source: 029C3

Emission Unit: U-0029C

Process: WOD

Emission Source: 029C4

**Item 47.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40 CFR 60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40 CFR 60.42c., or 40 CFR 60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 48: Compliance Certification**

**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 48.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-0029C

Process: WOD

Emission Source: 029C3

Emission Unit: U-0029C

Process: WOD

Emission Source: 029C4

**Item 48.2:**

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Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

All records required under this section shall be maintained by the owner or operator of the affected facility for a period of two years following the date of such record, for determining compliance with the NSPS requirements.

**\*\* NOTE\*\*** Records shall be maintained for a minimum of five years to achieve compliance with the requirements of Title V.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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

**Condition 49: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement: 6 NYCRR 212.4 (c)**

**Item 49.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-0029C

Process: WOD

Emission Source: 029C6

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 49.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Emissions of solid particulates are limited to less than 0.050 grains of particulates per cubic foot of exhaust gas, expressed at standard conditions on a dry gas basis.

If this condition appears in a Title V permit, and the Department has not otherwise directed the permittee to conduct a stack test, compliance with the 0.050 grains/dscf particulate emission standard will be determined by the permittee's observation of the outlet of the emission source to determine whether or not visible emissions are present following the guidelines similar to EPA Method 22. Visible emissions will not include those due to water vapor that is present in the exhaust gas.



Observations must be made once per day while operations are taking place. These observations must be recorded in a log book, and be made available to the Department on request. If visible emissions are observed for two consecutive days, a Method 9 visible emissions test must be conducted by a certified observer. If the Method 9 test determines that the opacity is less than 20%, observations of the stack in question shall be used to determine that the opacity of these emissions remain less than 20%.

The semiannual progress report and annual compliance certifications required of all permittees subject to Title V must include a summary of these observations as well as instances in which visible emissions were observed or in which observations could not be made due to weather conditions.

Parameter Monitored: PARTICULATES  
Upper Permit Limit: 0.050 grains per dscf  
Reference Test Method: EPA Method 5  
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2009.  
Subsequent reports are due every 6 calendar month(s).

**Condition 50: Compliance Certification**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable Federal Requirement: 6 NYCRR 212.6 (a)**

**Item 50.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: U-0029C  
Process: WOD Emission Source: 029C6

**Item 50.2:**  
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any

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visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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 51: Contaminant List**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 51.1:**  
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 52: Unavoidable noncompliance and violations  
Effective between the dates of 03/09/2009 and 03/08/2014**

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

**Item 52.1:**

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 53: Air pollution prohibited**  
**Effective between the dates of 03/09/2009 and 03/08/2014**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 53.1:**

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.

