PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 7-0302-00079/00009
Effective Date: 02/18/2010 Expiration Date: 02/17/2015

Permit Type: Title IV (Phase II Acid Rain)
Permit ID: 7-0302-00079/00010
Effective Date: 02/18/2010 Expiration Date: 02/17/2015

Permit Issued To:STANDARD BINGHAMTON LLC
650 MADISON AVE - 25TH FL
NEW YORK, NY 10022

Contact: DOUGLAS J HAGLUND
STANDARD BINGHAMTON LLC
22 CHARLES ST
BINGHAMTON, NY 13905
(607) 773-3307

Facility: BINGHAMTON CO-GENERATION PLANT
22 CHARLES ST
BINGHAMTON, NY 13905

Description:
Title IV Permit Renewal

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: JOHN H MERRIMAN, JR
1285 FISHER AVE
CORTLAND, NY 13045-1090

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 7 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 prior to actual transfer of ownership.

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 7 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 7 Headquarters
Division of Environmental Permits
615 Erie Blvd West
Syracuse, NY 13204-2400
(315) 426-7400

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To:STANDARD BINGHAMTON LLC
650 MADISON AVE - 25TH FL
NEW YORK, NY 10022

Facility: BINGHAMTON CO-GENERATION PLANT
22 CHARLES ST
BINGHAMTON, NY 13905

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

Permit Effective Date: 02/18/2010 Permit Expiration Date: 02/17/2015

LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS
Facility Level

2 6 NYCRR 200.6: Acceptable Ambient Air Quality
3 6 NYCRR 201-6.5 (a) (7): Fees
4 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
5 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
6 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
7 6 NYCRR 201-6.5 (e): Compliance Certification
8 6 NYCRR 202-2.1: Compliance Certification
9 6 NYCRR 202-2.5: Recordkeeping requirements
1 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 201-6.1 (a): Compliance Certification
25 6 NYCRR Subpart 243-1: Compliance Certification
26 6 NYCRR Subpart 243-2: Compliance Certification
27 6 NYCRR Subpart 243-8: Compliance Certification
28 6 NYCRR Subpart 244-1: CAIR NOx Annual Trading Program General Conditions
29 6 NYCRR Subpart 244-2: Designated CAIR Representative
30 6 NYCRR Subpart 244-8: Compliance Certification
31 6 NYCRR Subpart 245-1: CAIR SO2 Trading Program General Provisions
32 6 NYCRR Subpart 245-2: Designated CAIR Representative
33 6 NYCRR Subpart 245-8: Compliance Certification

Emission Unit Level

34 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
35 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=0-00001

36 6 NYCRR 201-1.4 (a): Compliance Certification
37 6 NYCRR 201-6.1 (a): Compliance Certification
38 6 NYCRR 201-6.1 (a): Compliance Certification
39 6 NYCRR 201-6.1 (a): Compliance Certification

40 40CFR 60, NSPS Subpart GG: Compliance Certification
41 40CFR 60, NSPS Subpart GG: Compliance Certification
42 40CFR 75.19, Subpart B: Compliance Certification

EU=0-00001,Proc=CTO
43 6 NYCRR 201-6.1 (a): Compliance Certification
44 6 NYCRR 201-6.1 (a): Compliance Certification
45 6 NYCRR 201-6.1 (a): Compliance Certification
46 6 NYCRR 227-1.3 (a): Compliance Certification
47 6 NYCRR 227.2 (b) (1): Compliance Certification

EU=0-00003,Proc=OIL
48 6 NYCRR 227-1.3 (a): Compliance Certification
49 6 NYCRR 227.2 (b) (1): Compliance Certification
50 40CFR 60.42c(d), NSPS Subpart Dc: 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
54 6 NYCRR Part 242: Compliance Demonstration

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 2: **Acceptable Ambient Air Quality**
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR 200.6

Item 2.1:
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 3: **Fees**
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 3.1:
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 4: **Recordkeeping and reporting of compliance monitoring**
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 4.1:

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 5: Monitoring, Related Recordkeeping, and Reporting Requirements.
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 5.1:
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 6: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

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:
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 7/30/2010.
Subsequent reports are due every 6 calendar month(s).

Condition 7: **Compliance Certification**
Effective between the dates of 02/18/2010 and 02/17/2015

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

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:

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:

615 Erie Boulevard, West
Syracuse, NY 13204-2400

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 8: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR 202-2.1

Item 8.1:
The Compliance Certification activity will be performed for the Facility.

Item 8.2:
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 9: **Recordkeeping requirements**
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 9.1:
(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 1: **Open Fires - Prohibitions**
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR 215.2

Item 1.1:
Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

Item 1.2
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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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 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 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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.
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40 CFR Part 68

Item 21.1:
If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;

b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided

in 40 CFR §68.10(a) or,

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

Risk Management Plan Reporting Center
C/O CSC
8400 Corporate Dr
Carrollton, Md. 20785

Condition 22: Recycling and Emissions Reduction
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:
The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

Condition 23: Emission Unit Definition
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 23.1:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 0-00001
Emission Unit Description:
410 MMBTU/HR COMBUSTION GAS TURBINE USED TO PROVIDE STEAM AND ELECTRICITY GENERATION. COMBUSTION GAS TURBINE IS FUELED BY NATURAL GAS. DURING PERIODS OF NATURAL GAS CURTAILMENT, THE COMBUSTION GAS TURBINE MAY BE FUELED BY NUMBER 2 OIL. THE EMISSIONS GENERATED BY THE COMBUSTION GAS TURBINE ARE DIRECTED TO EMISSION POINT 00001. A DUCT BURNER MAY BE USED IN CONJUCTION WITH THE COMBUSTION GAS TURBINE DURING NATURAL GAS FIRING OPERATIONS.

Building(s): MAIN

Item 23.2:
The facility is authorized to perform regulated processes under this permit for:
Emission Unit: 0-00003

Emission Unit Description:
Auxiliary boiler is used to provide steam. The auxiliary boiler may be started up when the combustion gas turbine is being shut down. With the exception of start-up and shutdown operations, the auxiliary boiler will not be operated while the combustion gas turbine is being operated. The emissions generated by the auxiliary boiler will be directed to emission point 00002.

Building(s): MAIN

Condition 24: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 24.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 24.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
The facility may burn fuel oil in either the gas turbine or the auxiliary boiler.

The owner or operator shall not combust fuel oil containing sulfur in excess of 0.1 percent by weight sulfur. Compliance shall be determined using fuel sampling and analysis, conducted either by the vendor or by the facility owner or operator, or through vendor receipts as described elsewhere in this permit. Fuel samples must be obtained and analyzed for each delivery. It is not necessary to sample each delivery truck; each source (storage tank) from which oil is delivered to the facility must be sampled.

The owner shall maintain records of fuel analyses for each delivery for a period of five years.

On an annual basis, the owners or operators shall submit to the DEC a report stating whether any oil was received, and whether any analysis showed sulfur content to be in excess of 0.1 weight percent sulfur. If the facility combusts any oil with a sulfur content in excess of 0.1 weight percent, the owner or operator shall submit to the DEC a report of such excess emissions within 30 days of

the excess emission.

Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.1 percent by weight
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
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 25: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 243-1

Item 25.1:
The Compliance Certification activity will be performed for the Facility.

Item 25.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

1) As of midnight of November 30, or midnight of the first business day thereafter if November 30 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NOx Ozone Season allowances available for compliance deductions for the previous control period (May 1 - September 30, inclusive), in an amount not less than the total tons of NOx from all CAIR NOx ozone season units at the source during that control period. A CAIR NOx Ozone Season allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NOx allowance was allocated.

2) If a CAIR NOx Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NOx ozone season emissions limitation, the owners and operators of the CAIR NOx Ozone Season source shall surrender the CAIR NOx Ozone Season allowances required for deduction under 6 NYCRR 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. 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.

3) Unless otherwise provided, the owners and operators of

the CAIR NOx Ozone Season 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:

i) The certificate of representation under 6 NYCRR 243-2.4 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 superceded because of the submission of a new certificate of representation under 6 NYCRR 243-2.4 changing the CAIR designated representative.

ii) All emissions monitoring information, in accordance with 6 NYCRR 243-8, provided that to the extent that 6 NYCRR 243-8 provides for a three year period for record keeping, the three years 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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 26: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 243-2

Item 26.1:
The Compliance Certification activity will be performed for the Facility.

Item 26.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
1) Each Clean Air Interstate Rule (CAIR) NOx Ozone Season source shall have one CAIR designated representative and may have one alternate representative

with regard to all matters under the CAIR NOx Ozone Season 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 6 NYCRR 243-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6 NYCRR 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 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.

2) 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."

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 27: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 243-8

Item 27.1:
The Compliance Certification activity will be performed for the Facility.

Item 27.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Monitoring and Reporting NOx Emissions

1) The owners and operators, and to the extent applicable, the CAIR designated representative shall comply with all record keeping and reporting requirements in this condition, in 6 NYCRR 243, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6 NYCRR 243-2.1(e)(1).

2) The CAIR designated representative shall submit quarterly reports of the NOx mass emissions data and heat input data for each CAIR NOx Ozone Season unit, in an electronic quarterly format prescribed by the Administrator, for each calendar quarter.

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) and by the EPA. Electronic reports must satisfy the EPA's reporting formats.

4) For CAIR NOx Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Ozone Season Trading Program, quarterly reports shall include the applicable data and information required by Subparts F through I of 540 CFR Part 75 as applicable, in addition to the NOx mass emissions data, heat input data, and other information required by this subpart.

5) 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 insuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) the monitoring data were recorded in accordance with the applicable requirements of 6 NYCRR 243 and 40 CFR 75, including the quality assurance procedures and specifications; and

(ii) for a unit with add-on NOx emission controls and for all hours where NOx 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.

7) Whenever the owner or operator makes a replacement, modification or change in any certified continuous emission monitoring system 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-asurance or quality control requirements of 40 CFR 75.21 or appendix B to 40 CFR 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 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 75, under 6 NYCRR 243-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6).

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 28: CAIR NOx Annual Trading Program General Conditions
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 244-1

Item 28.1:
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) NOx 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 NOx units at the source during that control period. A CAIR NOx allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NOx 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 NOx allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting a CAIR NOx 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 NOx source emits nitrogen oxides during any control period in excess of the CAIR NOx emissions limitation, the owners and operators of the CAIR NOx source shall surrender the CAIR NOx 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 NOx 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 NOx Annual Trading Program.

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

Condition 29: Designated CAIR Representative
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 244-2

Item 29.1:
1) Each Clean Air Interstate Rule (CAIR) NOx 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 NOx 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 NOx source represented in all matters pertaining to the CAIR NOx 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 NOx Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NOx 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 30: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 244-8

Item 30.1:
The Compliance Certification activity will be performed for the Facility.

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

Item 30.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Monitoring and Reporting NOX emissions

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

(2) The CAIR designated representative shall submit quarterly reports of the the NOx mass emissions data and heat input data for each CAIR NOx unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under 6NYCRR Part

244-8.1(b), unless that quarter is the third or fourth quarter of 2007, in which case reporting shall commence in the quarter covering January 1, 2008 through March 31, 2008.

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

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

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

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

(ii) for a unit with add-on NOx emission controls and for all hours where NOx 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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 31: CAIR SO2 Trading Program General Provisions
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 245-1

Item 31.1:
1) As of midnight of March 1, or midnight of the first business day thereafter (if March 1 is not a business day) for a control period, the owners and operators of each Clean Air Interstate Rule (CAIR) SO2 source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO2 allowances available for compliance deductions for the control period (January 1 through December 31) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO2 units at the source. A CAIR SO2 allowance shall not be deducted, for compliance with the requirements under paragraph (2) of this section, for a control period in a calendar year before the year for which the CAIR SO2 allowance was allocated. [(245-1.2(b)(5), 245-1.6(c)(1), 245-1.2(b)(36), 245-1.6(c)(3)]

2) The owners and operators shall hold in their compliance account, CAIR SO allowances available for compliance deductions for the control period starting on the later of January 1,

2010 or the deadline for meeting a CAIR SO2 unit's monitor certification requirements under section 245-8.1(b)(1), (2), or (5) and for each control period thereafter. [245-1.6(c)(2)]

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

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

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

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

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

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

Condition 32: Designated CAIR Representative
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 245-2

Item 32.1:
1) Each CAIR SO2 source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters under the CAIR SO2 Trading Program. The CAIR designated representative of the CAIR SO2 source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO2 units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO2 source represented and each CAIR SO2 unit at the source in all matters pertaining to the CAIR SO2 Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit. [245-2.1(a), (b) & (c)]

(2) Each submission under the CAIR SO2 Trading Program shall be submitted, signed, and

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

Condition 33: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 245-8

Item 33.1:
The Compliance Certification activity will be performed for the Facility.

Item 33.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

1. The owner or operator of a unit shall comply with 40 CFR Part 75 and 6 NYCRR 245-8, as applicable.

2. The owner or operator of a unit qualified to use the low mass emissions (LME) excepted methodology under 40 CFR 75.19 shall meet the applicable certification and recertification requirements in 40 CFR 75.19(a)(2) and 75.20(h). If the owner or operator of such a unit elects to certify a fuel flowmeter system for heat input determination, the owner or operator shall also meet the certification and recertification requirements of 40 CFR 75.20(g).

3. The CAIR Designated representative shall submit quarterly reports in a format prescribed by the Administrator within 30 days following the end of the calendar quarter covered by the report.

4. The CAIR Designated Representative shall submit to the Administrator a compliance certification 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.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.
The initial report is due 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

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

Condition 34: Emission Point Definition By Emission Unit
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 0-00001

Emission Point: 00001
Height (ft.): 200 Diameter (in.): 132
NYTMN (km.): 4662.103 NYTME (km.): 423.298

Item 34.2:
The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: 0-00003

Emission Point: 00002
Height (ft.): 110 Diameter (in.): 44
NYTMN (km.): 4662.113 NYTME (km.): 423.305

Condition 35: Process Definition By Emission Unit
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 35.1:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001
Process: CTD Source Classification Code: 2-01-002-01
Process Description:
410 mmBtu/hr combustion gas turbine operated for the purpose of providing steam and electricity generation fueled by natural gas in conjunction with a duct burner operated for the purpose of providing additional heat to the emission stream. The duct burner is operated in conjuntion with the combustion turbine only when the gas turbine is fired with natural gas.

Emission Source/Control: DCTBR - Combustion
Design Capacity: 70 million Btu per hour

Emission Source/Control: GASTB - Combustion
Design Capacity: 410 million Btu per hour

Emission Source/Control: COCAT - Control
Control Type: CATALYTIC OXIDATION

Item 35.2:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001
Process: CTG Source Classification Code: 2-01-002-01
Process Description:
410 mmBtu/hr combustion gas turbine (fueled by natural gas) operated for the purpose of providing steam and electricity generation.

Emission Source/Control: GASTB - Combustion
Design Capacity: 410 million Btu per hour

Emission Source/Control: COCAT - Control
Control Type: CATALYTIC OXIDATION

Item 35.3:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00001
Process: CTO Source Classification Code: 2-02-009-01
Process Description:
410 mmBtu/hr combustion turbine (fired by kerosene) operated for the purpose of providing steam and electricity generation. The gas turbine is fired with kerosene during periods of natural gas curtailment.

Emission Source/Control: GASTB - Combustion
Design Capacity: 410 million Btu per hour

Emission Source/Control: COCAT - Control
Control Type: CATALYTIC OXIDATION

Item 35.4:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00003
Process: GAS Source Classification Code: 1-02-006-02
Process Description:
AUXILIARY BOILER OPERATED FOR THE PURPOSE OF PROVIDING STEAM. THE AUXILIARY BOILER IS FIRED BY NATURAL GAS AND WILL BE OPERATED DURING PERIODS IN WHICH THE COMBUSTION GAS TURBINE IS NON-OPERATIONAL (EXCEPT DURING PERIODS OF START-UP AND SHUTDOWN).

Emission Source/Control: AUXBO - Combustion
Design Capacity: 99 million Btu per hour

Item 35.5:
This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: 0-00003
Process: OIL Source Classification Code: 1-02-005-02
Process Description:
AUXILIARY BOILER FOR THE PURPOSE OF PROVIDING STEAM. THE AUXILIARY BOILER IS FIRED WITH KEROSENE DURING PERIODS OF NATURAL GAS CURTAILMENT AND WHEN THE COMBUSTION GAS TURBINE IS NON-OPERATIONAL (EXCEPT DURING PERIODS OF START-UP AND SHUTDOWN).

Emission Source/Control: AUXBO - Combustion
Design Capacity: 99 million Btu per hour

Condition 36: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:6 NYCRR 201-1.4 (a)

Item 36.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

Item 36.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:
Startup/shutdown

(a) The owner or operator shall develop and maintain procedures for the cold start of operations for the gas turbine, and for the shutdown of the gas turbine. Such procedures shall define temperatures and pressures for steam injection permissive, upon which steam may be injected to the gas turbine for control of NOx emissions. These procedures must be submitted to the DEC within 60 days of receipt of this permit.

(b) Deviations from the procedures developed in accordance with Item (a) of this condition shall be noted in a written log (or otherwise documented, such as in a computer system).

(c) Startup and shutdown shall be accomplished within the procedures required to be developed in Item (a) of this condition. The time period for excess emissions during startup shall not exceed 3 hours under any circumstance (commencing with first firing of fuel and ending with the conditions for achieving steam injection permissive). The time for shutdown shall not exceed one-half hour, commencing with the stop of steam injection flow.

(d) Excess emissions after steam injection permissve (or after the proper steam temperatures and pressures have been reached) shall not be considered excess emissions due to startup, regardless of the time since first firing.

(d) Emissions shall be monitored and recorded whenever fuel is fired. Periods of excess emissions due to startup and shutdown must be identified in the quarterly excess emissions report. For those periods of excess emissions due to startup or shutdown where procedures deviated from the startup procedures developed in accordance with Item (a) of this condition, the owner or operator shall describe how the actual startup or shutdown procedures deviated from the written procedures.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 37: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 37.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

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

Item 37.2:
Compliance Certification shall include the following monitoring:

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

This permit condition applies to stack emissions while combusting natural gas in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of carbon monoxide shall not exceed 35 pounds per hour, averaged over each one block hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 35 pounds per hour
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 38: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 38.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

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

Item 38.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:
This permit condition applies to stack emissions while combusting natural gas in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of nitrogen oxides shall not exceed 38.4 pounds per hour, averaged over each one block hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of

excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 38.4 pounds per hour
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 39.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

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

Item 39.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:
This permit condition applies to stack emissions while combusting natural gas in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of nitrogen oxides shall be limited to 20 ppm by volume, corrected to 15% O2, for each one clock hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 20 parts per million by volume (dry, corrected to 15% O2)
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 40: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40CFR 60, NSPS Subpart GG

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

Emission Unit: 0-00001

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

Item 40.2:
Compliance Certification shall include the following monitoring:

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

This emission unit (gas turbine firing natural gas and oil) is subject to 40 CFR Part 60, Subpart GG. No owner or operator shall burn any fuel which contains sulfur in excess of 0.8 weight percent.

This emission unit is subject to a more stringent emission standard than 40 CFR Part 60, Subpart GG, as described elsewhere in this permit. This condition does not waive the requirement to comply with those conditions.

Pursuant to 40 CFR Part 60.334(i), for fuel oil sampling gfrequency,the owner and operator is required to use one of the total sulfur sampling options and the associated sampling frequency described in sections 2.2.3, 2.2.4.1, 2.2.4.2, and 2.2.4.3 of appendix D to 40 CFR Part 75.

Natural gas is not required to be sampled.

On a calendar quarter basis, the owner or operator shall subnmit to the DEC and EPA a report of excess emissions. For the purposes of the excess emissions and monitoring system performance report, periods of excess emissions are defined as any daily period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent by weight. Each report shall include the sulfur content of the fuel during the period of excess

emissions. Additionally, if the owners or operator burns fuel containing sulfur in excess of 0.8 percent, the owners or operators shall submit to DEC a report of such excess emissions within 30 days of its occurence.

Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 0.8 percent by weight
Reference Test Method: Per 40 CFR 60.335
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2010.
Subsequent reports are due every 6 calendar month(s).

Condition 41: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40CFR 60, NSPS Subpart GG

Item 41.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

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

Item 41.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL DEVICE PARAMETERS AS SURROGATE
Monitoring Description:
This emission unit (gas turbine firing natural gas and oil) is subject to 40 CFR Part 60, Subpart GG. No owner or operator shall cause to be discharged into the atmosphere any gases which contain nitrogen oxides in excess of 75 ppm, corrected to 15 percent on a dry basis.

This emission unit is subject to a more stringent emission standard than 40 CFR Part 60, Subpart GG, as described elsewhere in this permit. This condition does not waive the requirement to comply with those conditions.

Pursuant to 40 CFR 60.334(b), the owneror operator ahall install, certify, maintain operate and quality-assure a continuous emissions monitoring system (CEMS) consisting

of NOx and O2 monitors. Each CEMS must be installed and certified according to PS 2 and 3 or 40 CFR Part 75 (as allowed in 40 CFR 60.334(b)(3)(iii)). Emissions must be corrected to 15% oxygen and ISO standard conditions, unless the ISO requirement is waived by EPA.

During each full unit operating hour, each monitor must complete a minimum of one cycle of operation (sampling, analyzing and data recording) for each 15 minute minute quadrant of the hour, to validate the hour. For partial unit operating hours, at least one valid data point must be obtained for each quadrant of the hour in which the unit operates. For unit operating hours in which required quality assurance and maintenance activities are performed on the CEMS, a minimum of two valid data points (one in each of two quadrants) are required to validate the hour.

On a calendar quarter basis, the owner or operator shall subnmit to the DEC and EPA a report of excess emissions. For the purposes of the excess emissions and monitoring system performance report, periods of excess emissions are defined as any hour in which the four hour rolling average emissions of nitrogen oxide exceed 75 ppm by volume, on a dry basis. Each report shall include the times each excess emission period began and ended, the average magnitude of those emissions, the cause of the excess emission and the corrective action taken. Additionally, the owners or operators shall submit to DEC a report of such excess emissions within 30 days of its occurence.

Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 75 parts per million by volume (dry, corrected to 15% O2)
Reference Test Method: EPA Method 20
Monitoring Frequency: CONTINUOUS
Averaging Method: 4-HOUR ROLLING AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2010.
Subsequent reports are due every 6 calendar month(s).

Condition 42: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40CFR 75.19, Subpart B

Item 42.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001

Item 42.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

The combustion turbine is subject to the Acid Rain Program, which requires monitoring and reporting of carbon dioxide emissions. The facility qualifies as a low emitter and is monitoring SO2 emissions in accordance with 40 CFR 75.19(c). Under these provisions, the owners must emit no more than 25 tons of SO2 annually. On an annual basis, the owner must demonstrate that actual emissions of SO2 are less than 25 tons. If the owner fails to provide the required annual demonstration such that the calculated cumulative emissions for the unit exceed 25 tons at the end of any calendar year, then the owner or operator of the low mass emissions unit shall install and certify any equipment needed to insure that the unit is monitoring emissions using an acceptable methodology by December 31 of the following year.

Quarterly reports must be submitted to the EPA within 30 days of the end of each calendar quarter. cumulative SO2 emissions must be computed using the methodology in 40 CFR 75.19. The owner must calculate SO2 emissions using the SO2 emission rate in Table LM - 1 of 40 CFR 75.19, which is 0.0006 lb/mmBtu. Hourly, quarterly and annual heat input shall be determined using either the maximum rated hourly heat input method under 40 CFR 75.19(c)(3)(i) or the long term fuel flow method under paragraph 40 CFR 75.19(c)(3)(ii).

The facility must maintain a fuel flow meter according to 40 CFR 75, Appendix D.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 43: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 43.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001
Process: CTO

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

Item 43.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:
This permit condition applies to stack emissions while combusting fuel oil in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of nitrogen oxides shall not exceed 42 ppm corrected to 15% on a dry basis, averaged over each one block hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 42 parts per million by volume (dry, corrected to 15% O2)
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 44: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 44.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001
Process: CTO

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

Item 44.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This permit condition applies to stack emissions while combusting oil in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of carbon monoxide shall not exceed 50 pounds per hour, averaged over each one block hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 50 pounds per hour
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 45: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 45.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001
Process: CTO

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

Item 45.2:
Compliance Certification shall include the following monitoring:

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

This permit condition applies to stack emissions while combusting oil in the gas turbine, with or without firing natural gas in the duct burner.

Emissions of nitrogen oxides shall not exceed 72 pounds per hour, averaged over each one block hour period. Emissions shall be monitored using a continuous emission monitor.

The owner or operator shall submit to the DEC a report of excess emissions. Such report shall be submitted in a format approved by the DEC within 30 days of the end of each calendar quarter.

Manufacturer Name/Model Number: CEM
Upper Permit Limit: 72 pounds per hour
Reference Test Method: 40 CFR Appendices B, F
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 4/30/2010.
Subsequent reports are due every 3 calendar month(s).

Condition 46: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 46.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001
Process: CTO

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

Item 46.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
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.

Upon the written request of the DEC, the owner or operator shall conduct opacity emissions testing of the device in accordance with 40 CFR Part 60, Appendix A, Method 9.

Additionally, the owner or operator shall conduct opacity emissions testing at least once per permit term. Such testing shall be waived if, during each calendar year of the permit term, oil is fired for less than 168 cumulative hours, per year.

Such emissions testing shall be conducted in accordance with 6 NYCRR 202-1.2 and 6 NYCRR 202-1.3.

On an annual basis, the owner or operator shall submit to the DEC a report stating whether emissions tests were conducted. In the event that emissions of opacity exceed the allowable limit, the owner or operator shall submit to the DEC a report of such excess emissions within 30 days of the excess emission.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2011.
Subsequent reports are due every 12 calendar month(s).

Condition 47: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 47.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00001
Process: CTO

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

Item 47.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
Monitoring Description:
Pursuant to Section 110 of the Federal Clean Air Act, the EPA approved, as part of New York's State Implementation Plan, a regulation for the control of particulate matter. The Department has since revised this rule, changing the applicability criteria and the numerical limits. The revisions, however, have not been approved by the EPA. This condition requires compliance with the rule as it is contained in the federally-approved SIP. This requirement was previously cited as 6 NYCRR 227.2(b)(1) and is listed in the table of EPA-approved New York State regulations cited under 40 CFR 52.1679 Subpart HH. The requirements

is stated as follows:

No person shall cause, permit or allow a two hour average emission into the outdoor atmosphere of particulates in excess of 0.10 pound per million Btu heat input from any oil fired stationary combustion installation. Upon written application, the commissioner may exempt a person from the provisions of this section, when in view of the properties of the emissions, isolated conditions, stack height and other factors, it is clearly demonstrated that the emissions thus permitted will not cause a contravention of established air quality standards.

Compliance testing shall be performed at the discretion of the Department.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.1 pounds per million Btus
Reference Test Method: EPA Method 5
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 48: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 48.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00003
Process: OIL

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

Item 48.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING
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.

Upon the written request of the DEC, the owner or operator

shall conduct opacity emissions testing of the device in accordance with 40 CFR Part 60, Appendix A, Method 9.

Additionally, the owner or operator shall conduct opacity emissions testing at least once per permit term. Such testing shall be waived if, during each calendar year of the permit term, oil is fired for less than 168 cumulative hours, per year.

Such emissions testing shall be conducted in accordance with 6 NYCRR 202-1.2 and 6 NYCRR 202-1.3.

On an annual basis, the owner or operator shall submit to the DEC a report stating whether emissions tests were conducted. In the event that emissions of opacity exceed the allowable limit, the owner or operator shall submit to the DEC a report of such excess emissions within 30 days of the excess emission.

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 6-MINUTE AVERAGE (METHOD 9)
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2011.
Subsequent reports are due every 12 calendar month(s).

Condition 49: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

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

Item 49.1:
The Compliance Certification activity will be performed for:

Emission Unit: 0-00003
Process: OIL

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:
Pursuant to Section 110 of the Federal Clean Air Act, the EPA approved, as part of New York's State Implementation

Plan, a regulation for the control of particulate matter. The Department has since revised this rule, changing the applicability criteria and the numerical limits. The revisions, however, have not been approved by the EPA. This condition requires compliance with the rule as it is contained in the federally-approved SIP. This requirement was previously cited as 6 NYCRR 227.2(b)(1) and is listed in the table of EPA-approved New York State regulations cited under 40 CFR 52.1679 Subpart HH. The requirements is stated as follows:

No person shall cause, permit or allow a two hour average emission into the outdoor atmosphere of particulates in excess of 0.10 pound per million Btu heat input from any oil fired stationary combustion installation. Upon written application, the commissioner may exempt a person from the provisions of this section, when in view of the properties of the emissions, isolated conditions, stack height and other factors, it is clearly demonstrated that the emissions thus permitted will not cause a contravention of established air quality standards.

Compliance testing shall be performed at the discretion of the Department.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.1 pounds per million Btus
Reference Test Method: EPA Method 5
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 50: Compliance Certification
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable Federal Requirement:40CFR 60.42c(d), NSPS Subpart Dc

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

Emission Unit: 0-00003
Process: OIL

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

Item 50.2:
Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The auxiliary boiler is subject to 40 CFR Part 60, Subpart Dc. Under that standard, the owner or operator must not combust oil that contains greater than 0.5 weight percent sulfur, based on a 30 day rolling average. However, the allowable sulfur limit, stated elsewhere in this permit, is 0.1 weight percent, to be met on an instantaneous basis.

Compliance with 40 CFR 60.42c(d) must be determined according to 60.46c(d)(2) or 60.46c(e), as follows:

60.46c(d)(2): If oil sampling is to be conducted, oil samples must be collected from the fuel storage tank immediately after the fuel tank is filed and before any oil is combusted. The owner or operator shall analyze the oil sample to determine the sulfur content of the oil. If a partially empty fuel tank is refilled, a new sample taken after each new shipment of oil is received shall be used as the daily value when calculating the thirty day average until the next shipment is received.

60.46c(e): the owner or operator demonstrates compliance with the SO2 standard based on fuel supplier certification pursuant to 40 CFR 60.48c(e)(11) and (f)(1). The vendor certifications shall include the name of the fuel oil supplier and a statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in 40 CFR 60.41c.

On a semi-annual basis, the owner or operator must submit to the DEC and the EPA a report of any excess emissions.

Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: .5 percent by weight
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Averaging Method: 30-DAY ROLLING AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2010.
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 02/18/2010 and 02/17/2015

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: 0NY210-00-0
Name: OXIDES OF NITROGEN

Condition 52: Unavoidable noncompliance and violations
Effective between the dates of 02/18/2010 and 02/17/2015

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 02/18/2010 and 02/17/2015

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.

Condition 54: Compliance Demonstration
Effective between the dates of 02/18/2010 and 02/17/2015

Applicable State Requirement:6 NYCRR Part 242

Item 54.1:
The Compliance Demonstration activity will be performed for the Facility.

Item 54.2:
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

1. As of midnight, March 1 or, if that March 1 is not a business day, midnight of the first business day thereafter, the owners or operators shall hold (in the compliance account) CO2 allowances available for compliance deduction in an amount not less than the total CO2 emissions for the Control Period as such term is defined in 6 NYCRR 242-1.2(b)(40) for all CO2 budget units at the source.

2. CO2 allowances shall not be deducted, in order to comply with 6 242-1.5(c)(1), for a Control Period that ends prior to the allocation year for which the CO2 allowance was allocated.

3. The owner or operator of a CO2 budget source that has

excess emissions in any Control Period shall forfeit the CO2 allowances required for deduction under 6 NYCRR 242-6.5(d)(1), provided CO2 offset allowances may not be used to cover any part of such excess emissions; and pay any fine, penalty, or assessment or comply with any other remedy imposed under 6 NYCRR 242-6.5(d)(2).

4. Each CO2 budget source shall have only one authorized account representative and may have one alternate CO2 authorized account representative as specified in 6 NYCRR 242-2. Each submission under the CO2 Budget Trading Program shall be submitted, signed, and certified by the CO2 authorized account representative (or alternate AAR) and include the following statement: "I am authorized to make this submission on behalf of the owners and operators of the CO2 budget sources or CO2 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."

5. A CO2 authorized account representative (or his or her alternate) may delegate, to one or more natural persons, his or her authority to make an electronic submission to the department or its agent. In order to delegate authority to make an electronic submission, the CO2 authorized account representative (or alternate) must submit to the department a notice of delegation as specified in 6 NYCRR 242-2.6.

6. For each control period to which a CO2 budget source is subject to the CO2 requirements of 6 NYCRR 242-1.5, the CO2 authorized account representative (or alternate) shall submit to the DEC, by March 1 following the relevant Control Period, a compliance certification report. The report shall be in a format prescribed by the department and include

i) identification of the source and each CO2 budget unit at the source;

ii) at the CO2 authorized account representative's (or alternate's) option, the serial numbers of the CO2 allowances to be deducted; and

iii) the compliance certification of 6 NYCRR 242-4.1(c).

7. No owner or operator of a CO2 budget unit shall operate the unit so as to discharge, or allow to be discharged, CO2 emissions to the atmosphere without accounting for all such emissions in accordance with 6 NYCRR 242 and 40 CFR Part 75.

8. The owners and operators and, to the extent applicable, the CO2 authorized account representative (or alternate) of a CO2 budget unit shall comply with the monitoring, recordkeeping and reporting requirements as provided in 6 NYCRR 242; and 40 CFR Part 75. The owner or operator of each CO2 budget unit must install all monitoring systems necessary to monitor CO2 mass emissions in accordance with 40 CFR Part 75, except for equation G1. Equation G1 in appendix G shall not be used to determine CO2 emissions under 6 NYCRR 242. The owners or operators must successfully complete all certification tests required under 6 NYCRR 242-8.2 and 40 CFR Part 75 and record, report and quality-assure the data from the monitoring systems.

9. No owner or operator of a CO2 budget unit shall use any alternative monitoring system, alternative reference method or any other alternative for the required continuous emission monitoring system without obtaining prior written approval.

10. No owner or operator of a CO2 budget unit shall disrupt the continuous emission monitoring system except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of 6 NYCRR 242 and 40 CFR Part 75.

11. The CO2 authorized account representative shall submit quarterly reports to the department or its agent within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in Subpart H of 40 CFR Part 75 and 40 CFR 75.64. Quarterly reports shall be submitted for each CO2 budget unit (or groups of units using a common stack) and shall include all of the data and information required in subpart G of 40 CFR Part 75 except for opacity, NOx and SO2 provisions. Each quarterly report shall contain the certification required in 6 NYCRR 242-8.5(d)(3).

12. On a calendar year annual basis the owner or operator shall submit to the DEC a report stating whether he or she

has complied with this condition.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION