

New York State Department of Environmental Conservation
Facility DEC ID: 7351200030



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

PAir State Facility

Permit ID: 7-3512-00030/00024

Effective Date: 09/24/2002

Expiration Date: No expiration date

Permit Issued To:

OSWEGO HARBOR POWER LLC
C/O NANCY JONES
3500 RIVER RD
TONAWANDA, NY 14150

Contact:

THOMAS F COATES
NRG ENERGY INC
261 WASHINGTON BLVD
OSWEGO, NY 13126
(315) 349-2231

Facility:

OSWEGO HARBOR POWER
261 WASHINGTON BLVD
OSWEGO, NY 13126

Contact:
NRG ENERGY INC

THOMAS F COATES
261 WASHINGTON BLVD
OSWEGO, NY 13126
(315) 349-2231

Description:

Oswego Harbor Power LLC submitted an application to the DEC for the installation of a package boiler. The boiler is capable of firing natural gas or distillate fuel oil and is rated at 90.5 mmBtu/hr on gas and 87.2 mmBtu/hr on oil. Annual emissions of criteria pollutants will be less than the significance thresholds for PSD and Part 231-2 applicability. The boiler is subject to 40 CFR Part 60, Subpart Dc; 6 NYCRR Parts 200, 201, 202, 211, 215, 225, 227-1, and 227-2.

Capping: SO₂ emissions will be capped based on fuel use and fuel sulfur content.

Enforcement: None

FINAL

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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: BARRY L BORROW
 DIVISION OF ENVIRONMENTAL PERMITS
 615 ERIE BLVD WEST
 SYRACUSE, NY 13204-2400

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

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 and Modifications

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 7
HEADQUARTERS



DEC GENERAL CONDITIONS
****** General Provisions ******
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 and Modifications
Applicable State Requirement: 6NYCRR 621.13(a)

Item 3.1:

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

Item 3.2:

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

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

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Item 4.1:

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

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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 7
HEADQUARTERS**
Applicable State Requirement: 6NYCRR 621.5(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



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: OSWEGO HARBOR POWER LLC
C/O NANCY JONES

3500 RIVER RD
TONAWANDA, NY 14150

Facility: OSWEGO HARBOR POWER
261 WASHINGTON BLVD
OSWEGO, NY 13126

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



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 13 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 3 6NYCRR 200.7: Maintenance of equipment
- 6 6NYCRR 201-1.7: Recycling and Salvage
- 7 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 9 6NYCRR 201-3.2(a): Proof of Eligibility
- 10 6NYCRR 201-3.3(a): Proof of Eligibility
- 11 6NYCRR 202-1.1: Required emissions tests
- 12 6NYCRR 211.3: Visible emissions limited.
- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.5: Emergency Defense
- 8 6NYCRR 201-1.10(a): Public Access to Recordkeeping

Emission Unit Level

EU=U-00010

- 14 6NYCRR 227-1.3: Compliance Demonstration
- 15 6NYCRR 227-2.6(c): NOx testing, monitoring, and reporting requirements.
- 16 6NYCRR 227.2(b)(1): Compliance Demonstration
- 17 6NYCRR 231-2: Compliance Demonstration
- 18 40CFR 52.21, Subpart A: Compliance Demonstration
- 19 40CFR 60.7(a), NSPS Subpart A: Notification and record keeping
- 20 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 21 40CFR 60.7(f), NSPS Subpart A: Facility files for subject sources.
- 22 40CFR 60.8(a), NSPS Subpart A: Performance testing timeline.
- 23 40CFR 60.8(b), NSPS Subpart A: Performance test methods.
- 24 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 25 40CFR 60.8(d), NSPS Subpart A: Prior notice.
- 26 40CFR 60.11(a), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 27 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 28 40CFR 60.12, NSPS Subpart A: Circumvention.
- 29 40CFR 60.45c(a), NSPS Subpart Dc: Compliance Demonstration
- 30 40CFR 60.48c(a), NSPS Subpart Dc: Subpart Dc - Reporting and recordkeeping requirements
- 31 40CFR 60.48c(e)(11), NSPS Subpart Dc: Compliance Demonstration
- 32 40CFR 60.48c(g), NSPS Subpart Dc: Reporting and recordkeeping
- 33 40CFR 60.48c(i), NSPS Subpart Dc: Duration of records maintained.

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EU=U-00010,Proc=OIL

- 34 6NYCRR 225-1.8(a): Reports, sampling and analysis.
- 35 6NYCRR 227-1.7(a): Fuel sampling.
- 36 6NYCRR 227-2.3(g): NOx Compliance plan
- 37 6NYCRR 227-2.4(c)(2): NOx control requirements
- 38 40CFR 60.11(b), NSPS Subpart A: Compliance with standards and maintenance requirements
- 39 40CFR 60.11(c), NSPS Subpart A: Compliance with opacity standards
- 40 40CFR 60.11(e)(2), NSPS Subpart A: Compliance with standards
- 41 40CFR 60.11(e)(3), NSPS Subpart A: Compliance with standards and maintenance requirements.
- 42 40CFR 60.11(g), NSPS Subpart A: Compliance with standards
- 43 40CFR 60.42c(h), NSPS Subpart Dc: Exemption from the averaging period.
- 44 40CFR 60.42c(h)(1), NSPS Subpart Dc: Fuel sulfur certification
- 45 40CFR 60.42c(i), NSPS Subpart Dc: Enforceability.
- 46 40CFR 60.43c(c), NSPS Subpart Dc: Compliance Demonstration
- 47 40CFR 60.43c(d), NSPS Subpart Dc: Enforceability of particulate matter and opacity standards.
- 48 40CFR 60.44c(h), NSPS Subpart Dc: Alternative compliance methods for sulfur dioxide.
- 49 40CFR 60.45c, NSPS Subpart Dc: Visible emission tests
- 50 40CFR 60.46c(e), NSPS Subpart Dc: Exemption from sulfur dioxide monitoring requirements.
- 51 40CFR 60.48c, NSPS Subpart Dc: Reporting and recordkeeping requirements
- 52 40CFR 60.48c(d), NSPS Subpart Dc: Compliance Demonstration
- 53 40CFR 60.48c(f)(1), NSPS Subpart Dc: Compliance Demonstration

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- 54 40CFR 60.42c(d), NSPS Subpart Dc: Compliance Demonstration

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 55 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 56 6NYCRR 201-5: General Provisions
- 57 6NYCRR 201-5: Permit Exclusion Provisions
- 58 6NYCRR 201-5: Emission Unit Definition
- 59 6NYCRR 201-5.3(b): Contaminant List
- 60 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

- 61 6NYCRR 201-5: Emission Point Definition By Emission Unit
- 62 6NYCRR 201-5: Process Definition By Emission Unit

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FEDERALLY ENFORCEABLE CONDITIONS

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

Condition 13: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal 16NYCRR 215

Item 13.1:

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

Condition 3: Maintenance of equipment
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal 6NYCRR 200.7

Item 3.1:

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 6: Recycling and Salvage
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal 6NYCRR 201-1.7

Item 6.1:

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 6 NYCRR.

Condition 7: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 7.1:

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 9: Proof of Eligibility
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 9.1:

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 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Condition 10: Proof of Eligibility

Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 10.1:

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

Condition 11: Required emissions tests

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1

Item 11.1:

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

Condition 12: Visible emissions limited.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.3

Item 12.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-

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minute period per hour of not more than 57 percent opacity.

Condition 1: Sealing
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

- (a) The commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the commissioner issued in the case of the violation. Sealing means labelling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

- (c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 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 4: Unpermitted Emission Sources
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

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

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



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

Condition 5: Emergency Defense
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal/6NYCRR 201-1.5

Item 5.1:

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.

Condition 8: Public Access to Recordkeeping
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal/6NYCRR 201-1.10(a)

Item 8.1:

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1), and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance



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with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

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

Condition 14: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal/State Rule: 6 NYCRR 227-1.3

Item 14.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 14.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No person shall operate this emission unit in excess of 20 percent opacity (six minute average), except for one six-minute period per hour of not more than 27 percent opacity.

The owner or operator shall conduct opacity observations according to EPA Method 9 upon request from the DEC.

At least once per semi-annual calendar period (January 1 to June 30, July 1 to December 31), the owner or operator shall observe the emissions points while the devices are in operation. The owner or operator shall record the date, the time, the weather conditions (rain, snow, cloudy, clear), and whether there is any visible plume (excluding condensed water vapor). To the extent practicable, the observer shall position him or herself with the sun behind his or her back. Such testing is not required if fuel oil is combusted for less than 168 hours in the semi-annual period.



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In the event that visible emissions are observed, the owner or operator shall contact the Department by phone as soon as practicable, but in no event later than two business days after conducting the observation. Within 30 days, when requested by the Department in writing, the owner or operator must submit to the Department a report describing the emissions.

All records of observations must be maintained at the facility for a period of five years.

A report must be submitted to the Department semiannually (calendar basis) stating whether the monitoring has been conducted. Reports must be submitted no later than 30 days after the end of each semi-annual period.

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: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2003.

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

Condition 15:

NO_x testing, monitoring, and reporting requirements.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.6(c)

Item 15.1:

This Condition applies to Emission Unit: U-00010

Item 15.2:

Stack test requirements: The owner/operator shall:

(1) Submit a compliance test protocol to the department for approval at least 90 days prior to emission testing. The conditions of the testing and the locations of the sampling devices must be acceptable to the department; and

(2) Utilize procedures set forth in 40 CFR Part 60, Appendix A or any other method acceptable to the department and EPA for determining compliance with the appropriate NO_x limit in section 227-2.4 of this Subpart, and shall follow the procedures set forth in Part 202 of this Title. For large and mid-size boilers, utilize Method 7, 7E, or 19 from 40 CFR Part 60, Appendix A or another reference method approved by the department.

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Condition 16:

Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 16.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):
CAS No: PARTICULATES

Item 16.2:

Compliance Demonstration 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 6NYCRR Part 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 requirement 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 ambient air quality standards.

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

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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 17: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal/6NYCRR 231-2

Item 17.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):

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

Item 17.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of NOX from this emission unit shall not exceed 39 tons per rolling 12 month period. Emissions shall be computed as the product of the heat input, in mmBtu/hr, and the actual emissions rate, determined from emissions testing, multiplied by 1.1, as follows:

1. Actual emissions rates firing oil and gas are determined from emissions testing at three operating loads for each fuel. From the results of the most recent test at three operating loads, the highest emission rate shall be used to compute NOx emissions.
2. The heat input to the boiler shall be computed as the product of the amount of fuel fired each month (gallons of oil per month or cubic feet of gas per month) and the gross heating value of the fuel (Btu/gallon for oil or Btu/cubic foot for gas) as determined by vendor receipts, vendor fuel analyses, or station analyses.

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3. The amount of fuel fired shall be determined using fuel flow meters.
4. Purchase records of the amounts of fuel combusted shall also be maintained.
5. The owner or operator shall compute the NOx emissions for each month using the following formula:

(Actual emission rate firing oil, lb/mmBtu)x(1.1)x(total heat input from oil, mmBtu) + (Actual emission rate firing gas, lb/mmBtu)x(1.1)x(total heat input from gas, mmBtu).

6. The owner or operator shall compute the annual NOx emissions for each prior 12 month rolling period.
7. The owner or operator shall submit to the DEC, on a semi-annual calendar year basis, a report stating whether such measurements and calculations have been made for each prior six month period.
8. The owner or operator shall submit to the DEC, on an annual calendar year basis, a report stating whether the facility was in compliance with the annual emission limit. The report shall be due no later than January 30 of each year, and shall report the amount of NOx emitted during each 12 month rolling period completed in the prior calendar year.
9. If the annual emissions during any 12 month rolling period exceed 39 tons, the owner or operator shall submit to the DEC a report of such excess emissions within 30 days after the end of that 12 month rolling period.

Monitoring Frequency: MONTHLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 18:

Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 18.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

New York State Department of Environmental Conservation

Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030



Regulated Contaminant(s):
CAS NSULFUR DIOXIDE

Item 18.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emissions of sulfur dioxide from this emission unit shall not exceed 39 tons per rolling 12 month period. Emissions shall be computed as the product of the fuel oil combusted, in pounds fuel/month; the lower of the allowable sulfur content, 0.005 pounds sulfur per pound of fuel, or the actual sulfur content; and the factor of 2 (to convert S to SO₂).

1. The amount of fuel fired shall be determined using fuel flow meters, converted to mass using the density of fuel oil at the temperature of measurement.
2. Purchase records of the amounts of fuel combusted shall also be maintained.
3. The owner or operator shall compute the SO₂ emissions for each month, as well as the annual SO₂ emissions for each prior 12 month rolling period.
4. The owner or operator shall submit to the DEC, on a semi-annual calendar year basis, a report stating whether such measurements and calculations have been made for each prior six month period.
5. The owner or operator shall submit to the DEC, on an annual calendar year basis, a report stating whether the facility was in compliance with the annual emission limit. The report shall be due no later than January 30 of each year, and shall report the amount of NO_x emitted during each 12 month rolling period completed in the prior calendar year.
6. If the annual emissions during any 12 month rolling period exceed 39 tons, the owner or operator shall submit to the DEC a report of such excess emissions within 30 days after the end of that 12 month rolling period.

Monitoring Frequency: MONTHLY



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Facility DEC ID: 7351200030

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 19: Notification and record keeping
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 19.1:

This Condition applies to Emission Unit: U-00010

Item 19.2:

(a) Any owner or operator subject to the provisions of this part shall furnish the DEC and EPA written notification or, if acceptable to both the Administrator and the owner or operator of a source, electronic notification, as follows:

- (1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date.
- (2) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.
- (3) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.
- (4) A notification of the anticipated date for conducting the opacity observations required by § 60.11(e)(1) of this part. The notification shall also include, if appropriate, a request for the Administrator to provide a visible emissions reader during a performance test. The notification shall be postmarked not less than 30 days prior to such date.

Condition 20: Recordkeeping requirements.
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 20.1:

This Condition applies to Emission Unit: U-00010

Item 20.2:

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

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Condition 21: Facility files for subject sources.
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 21.1:

This Condition applies to Emission Unit: U-00010

Item 21.2:

The following files shall be maintained at the facility for all affected sources: all measurements, including continuous monitoring systems, monitoring device, and performance testing measurements; all continuous monitoring system evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part, recorded in permanent form suitable for inspection. The file shall be maintained for at least two years following the date of such measurements, reports, and records.

Condition 22: Performance testing timeline.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(a), NSPS Subpart A

Item 22.1:

This Condition applies to Emission Unit: U-00010

Item 22.2:

Within 60 days after achieving the maximum production rate, but not later than 180 days after initial startup of the facility, the owner or operator of the facility shall conduct performance testing and provide the results of such tests, in a written report, to the Administrator.

Condition 23: Performance test methods.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(b), NSPS Subpart A

Item 23.1:

This Condition applies to Emission Unit: U-00010

Item 23.2:

Performance testing shall be conducted in accordance with the methods and procedures prescribed in this part or by alternative methods and procedures approved by the Administrator.

Condition 24: Required performance test information.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(c), NSPS Subpart A



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Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030

Item 24.1:

This Condition applies to Emission Unit: U-00010

Item 24.2:

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operate of the facility.

Condition 25:

Prior notice.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.8(d), NSPS Subpart A

Item 25.1:

This Condition applies to Emission Unit: U-00010

Item 25.2:

The owner or operator shall provide the Administrator with prior notice of any performance test at least 30 days in advance of testing.

Condition 26: Compliance with Standards and Maintenance Requirements

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(a), NSPS Subpart A

Item 26.1:

This Condition applies to Emission Unit: U-00010

Item 26.2:

Compliance with standards in 40 CFR Part 60, other than opacity standards, shall be determined in accordance with performance tests established by section 60.8 of 40 CFR Part 60 unless otherwise specified in the applicable standard

Condition 27: Compliance with Standards and Maintenance Requirements

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(d), NSPS Subpart A

Item 27.1:

This Condition applies to Emission Unit: U-00010

Item 27.2:

At all times, including periods of startup, shutdown, and malfunction, owners and operators of this facility shall, to the extent practicable, maintain and operate any affected facility including associated air pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the Department and the Administrator which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures,

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and inspection of the source

Circumvention.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A

Item 28.1:

This Condition applies to Emission Unit: U-00010

Item 28.2:

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

Condition 29:

Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.45c(a), NSPS Subpart Dc

Item 29.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 29.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of an affected facility subject to the opacity standards under 40 CFR 60.43c shall conduct an initial performance test as required under 40 CFR 60.8, and shall conduct subsequent performance tests as requested by the DEC or EPA, to determine compliance with the standards. EPA Method 9 (six minute average of 24 observation) shall be used for determining the opacity of stack emissions. As required by 40 CFR 60.48c(b), the owner or operator shall submit to the EPA and DEC the performance test data from the initial test and any subsequent performance tests.



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Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: EPA Method 9
Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 30: Subpart Dc - Reporting and recordkeeping requirements
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 30.1:

This Condition applies to Emission Unit: U-00010

Item 30.2:

The owner and operator of each affected facility shall submit notification of the date of construction or reconstruction, anticipated startup, and actual startup, as provided by 40CFR60.7 of this part. This notification shall include:

- (1) The design heat input capacity of the affected facility and identification of fuels to be combusted in the affected facility.
- (2) If applicable, a copy of any Federally enforceable requirement that limits the annual capacity factor for any fuel or mixture of fuels under 40CFR60.42c., or 40CFR60.43c.
- (3) The annual capacity factor at which the owner or operator anticipates operating the affected facility based on all fuels fired and based on each individual fuel fired.

Condition 31: Compliance Demonstration
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.48c(e)(11), NSPS Subpart Dc

Item 31.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Regulated Contaminant(s):
CAS NSULFUR DIOXIDE

Item 31.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

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The owner or operator shall keep records and submit reports to the EPA and DEC. Such report shall include records of fuel supplier certifications and a certified statement signed by the owner or operator of this unit that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2003.

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

Condition 32: Reporting and recordkeeping
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 32.1:

This Condition applies to Emission Unit: U-00010

Item 32.2:

The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day.

Condition 33: Duration of records maintained.
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 33.1:

This Condition applies to Emission Unit: U-00010

Item 33.2:

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

Condition 34: Reports, sampling and analysis.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Fe6NYCRR 225-1.8(a)

Item 34.1:

This Condition applies to Emission Unit: U-00010

Process: OIL

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Item 34.2:

The commissioner may require an owner of an air contamination source to retain for up to three years, and to submit to him, fuel analyses, information on the quantity of fuel received, burned or sold, and results of stack sampling, stack monitoring and other procedures to ensure compliance with the provisions of this Subpart.

CdFuel sampling.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-1.7(a)

Item 35.1:

This Condition applies to Emission Unit: U-00010

Process: OIL

Item 35.2:

Any stationary combustion installation described in section 6 NYCRR 227-1.2 of this Part, shall provide pertinent emissions data upon the commissioner's request.

Condition 36: NOx Compliance plan

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Fe6NYCRR 227-2.3(g)

Item 36.1:

This Condition applies to Emission Unit: U-00010

Process: OIL

Item 36.2:

Operating Plan: any owner or operator of a facility subject to this section must maintain, on-site, an operating plan, including an operating manual, acceptable to the department. This should at a minimum include:

- (1) A summary of the applicable standards and requirements of this Subpart and how this facility will comply, including any system averaging and any higher specific unit emission rates that may apply;
- (2) A description of the combustion process, including the procedures for the control of NOx emissions;
- (3) Procedures for monitoring unit operating parameters;
- (4) Procedures for ash handling;
- (5) Procedures for monitoring emissions;
- (6) Reporting and recordkeeping procedures; and,

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(7) The name and title of operating personnel and, if applicable, their qualifications (e.g., licenses, certificates, education, training courses completed).

Condition 37: NO_x control requirements
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.4(c)(2)

Item 37.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 37.2:

The owners or operators must not operate this emission unit with emissions of NO_x in excess of 0.12 pounds NO_x per million Btu. Compliance with this emission limit shall be determined with a one hour average in accordance with section 227-2.6(a) (4) of this Subpart.

Condition 38: Compliance with standards and maintenance requirements
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(b), NSPS Subpart A

Item 38.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 38.2:

(b) Compliance with opacity standards in this part shall be determined by conducting observations in accordance with Method 9 in appendix A of this part or any alternative method that is approved by the EPA. For purposes of determining initial compliance, the minimum total time of observations shall be 3 hours (30 6-minute averages) for the performance test or other set of observations (meaning those fugitive-type emission sources subject only to an opacity standard).

Condition 39: Compliance with opacity standards
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(c), NSPS Subpart A

Item 39.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 39.2:

The opacity standards set forth in 40 CFR 60.43c(c) shall apply at all times except during periods of startup, shutdown, malfunction, and as otherwise provided in the applicable standard.



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Facility DEC ID: 7351200030

Condition 40: Compliance with standards
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(e)(2), NSPS Subpart A

Item 40.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 40.2:

Except as provided in paragraph §60.11(e)(3) of this section, the owner or operator of an affected facility to which an opacity standard in this part applies shall conduct opacity observations in accordance with paragraph §60.11(b) of this section, shall record the opacity of emissions, and shall report to the Administrator the opacity results along with the results of the initial performance test required under § 60.8. The inability of an owner or operator to secure a visible emissions observer shall not be considered a reason for not conducting the opacity observations concurrent with the initial performance test.

Condition 41: Compliance with standards and maintenance requirements.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(e)(3), NSPS Subpart A

Item 41.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 41.2:

The owner or operator of an affected facility to which an opacity standard in this part applies may request the Administrator to determine and to record the opacity of emissions from the affected facility during the initial performance test and at such times as may be required. The owner or operator of the affected facility shall report the opacity results. Any request to the Administrator to determine and to record the opacity of emissions from an affected facility shall be included in the notification required in § 60.7(a)(6). If, for some reason, the Administrator cannot determine and record the opacity of emissions from the affected facility during the performance test, then the provisions of paragraph §60.11(e)(1) of this section shall apply.

Condition 42: Compliance with standards
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.11(g), NSPS Subpart A

Item 42.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 42.2:



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Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030

For the purpose of submitting compliance certifications or establishing whether or not a person has violated or is in violation of any standard in this part, nothing in this part shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

Condition 43: Exemption from the averaging period.
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 43.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 43.2:

Compliance with emission limits and/or fuel oil sulfur limitations shall be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable.

Condition 44: Fuel sulfur certification
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.42c(h)(1), NSPS Subpart Dc

Item 44.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 44.2:

For distillate oil-fired affected facilities with heat input capacities between 2.9 and 29 MW (10 and 100 million Btu/hr), compliance with the emission limits or fuel oil sulfur limits under this section may be determined based on a certification from the fuel supplier, as described under § 60.48c(f)(1), (2), or (3), as applicable.

Condition 45: Enforceability.
Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 45.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 45.2:

The sulfur dioxide emission limits, percentage reductions, and fuel oil sulfur limitations shall apply at all times, including periods of startup, shutdown, and malfunction.



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Condition 46: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.43c(c), NSPS Subpart Dc

Item 46.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Process: OIL

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 46.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

On and after the date on which the initial performance test is completed or required to be completed under §60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts coal, wood or oil and has a heat input capacity of 30 million BTU per hour or greater shall cause to be discharged into the atmosphere from an affected facility any gases that exhibit greater than 20 percent opacity (6-minute average), except for one 6-minute period per hour of not more than 27 percent opacity.

Parameter Monitored: OPACITY

Upper Permit Limit: 20.0 percent

Reference Test Method: Method 9

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 47: Enforceability of particulate matter and opacity standards.

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.43c(d), NSPS Subpart Dc

Item 47.1:

This Condition applies to Emission Unit: U-00010

Process: OIL

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Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030



Item 47.2 :

The particulate matter and opacity standards of section 40 CFR 60-Dc.43c apply at all times, except during periods of startup, shutdown, and malfunction.

Condition 48: Alternative compliance methods for sulfur dioxide.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.44c(h), NSPS Subpart Dc

Item 48.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 48.2:

Facilities demonstrating compliance through vender certification shall follow the compliance procedures listed in paragraphs 40 CFR 60-Dc.48c(f)(1), (2), or (3), as applicable.

Condition 49: Visible emission tests
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.45c, NSPS Subpart Dc

Item 49.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 49.2:

The owner or operator of an affected facility subject to the opacity standards under § 60.43c shall conduct an initial performance test as required under § 60.8, and shall conduct subsequent performance tests as requested by the DEC or EPA. The owner or operator of an affected facility subject to the opacity standards under § 60.43c shall conduct an initial performance test as required under § 60.8, and shall conduct subsequent performance tests as requested by the Administrator, to determine compliance with the standards. Method 9 (6-minute average of 24 observations) shall be used for determining the opacity of stack emissions. Administrator, to determine compliance with the standards. Method 9 (6-minute average of 24 observations) shall be used for determining the opacity of stack emissions.

Condition 50: Exemption from sulfur dioxide monitoring requirements.
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.46c(e), NSPS Subpart Dc

Item 50.1:

This Condition applies to Emission Unit: U-00010
Process: OIL



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Facility DEC ID: 7351200030

Item 50.2:

Facilities subject to paragraphs 40 CFR 60-Dc.42c(h)(1), (2), or (3) showing compliance through vendor certification shall be exempt from section 40 CFR 60-Dc.46c.

Condition 51:

Reporting and recordkeeping requirements

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.48c, NSPS Subpart Dc

Item 51.1:

This Condition applies to Emission Unit: U-00010
Process: OIL

Item 51.2:

The owner or operator of each affected facility subject to the SO₂ emission limits of § 60.42c and the opacity limits of § 60.43c shall submit to the DEC and the EPA the performance test data from the initial and any subsequent performance tests.

Condition 52: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 52.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010
Process: OIL

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

Item 52.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of each affected facility subject to the SO₂ emission limits, fuel oil sulfur limits, or percent reduction requirements under §60.42c shall submit semi-annual reports to the Administrator.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2003.

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

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Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030



Condition 53: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.48c(f)(1), NSPS Subpart Dc

Item 53.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00010

Process: OIL

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 53.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Fuel supplier certification shall include the following information for distillate oil:

- i) The name of the oil supplier, and
- ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c. 60-Dc 41c defines distillate oil as fuel that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-78, A standard Specification for Fuel Oils.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2003.

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

Condition 54: Compliance Demonstration

Effective between the dates of 09/24/2002 and Permit Expiration Date

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

Item 54.1:

The Compliance Demonstration activity will be performed for:



New York State Department of Environmental Conservation

Permit ID: 7-3512-00030/00024

Facility DEC ID: 7351200030

Emission Unit: U-00010

Process: OIL

Emission Source: S0010

Regulated Contaminant(s):

CAS NSULFUR DIOXIDE

Item 54.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

On or after the date on which the initial performance test is completed or required to be completed under section 60.8 of this part, no owner or operator of an affected facility that combusts oil shall combust oil with a sulfur content in excess of 0.5 percent by weight.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.5 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED MORE THAN ONCE PER CALENDAR YEAR

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2003.

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



STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 55: Unavoidable noncompliance and violations
Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable State6NYCRR 201-1.4

Item 55.1:

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



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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.

General Provisions

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 56.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 56.2:

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.

Item 56.3:

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

Condition 57: Permit Exclusion Provisions

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 57.1:

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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant 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 by the Department and the receipt thereof by the Applicant does not



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supercede, revoke or rescind an order or modification thereof on consent or determination by the Commissioner issued heretofore by the Department or any of the terms, conditions or requirements contained in such order or modification thereof unless specifically intended by this permit.

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 the right of the Department to bring any future action, or pursue any pending action, either administrative or judicial, to required remediation, contribution for costs incurred or funds expended, for any violations, past, present or future, known or unknown, of applicable federal law, the ECL, or the rules and regulations promulgated thereunder, or conditions contained in any other licenses or permits issued to the Applicant and not addressed in this permit.

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 the right of the Department to pursue any claims for natural resource damages against the Applicant.

Condition 58:

Emission Unit Definition

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 58.1:

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

Emission Unit: U-00010

Emission Unit Description:

A NEW MODEL D370 BOILER, MANUFACTURED BY VOLCANO, WILL BE INSTALLED IN THIS EMISSION UNIT. THE NEW BOILER IS EQUIPPED WITH LOW NOX BURNERS AND MEETS THE NOX RACT CONTROL REQUIREMENTS FOUND IN 227-2.4 (C) (i).

This boiler can fire either distillate oil or natural gas. The rated heat input on gas is 90.5 mmBtu/hr; the rated heat input on oil is 87.2 mmBtu/hr.

Contaminant List

Effective between the dates of 09/24/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5.3(b)

Item 59.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

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CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

**Condition 60: Air pollution prohibited
Effective between the dates of 09/24/2002 and Permit Expiration Date**

Applicable State R6NYCRR 211.2

Item 60.1:

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

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

**Condition 61: Emission Point Definition By Emission Unit
Effective between the dates of 09/24/2002 and Permit Expiration Date**

Applicable State R6NYCRR 201-5

Item 61.1:

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

EmissionU-00010

Emission Point: 00010

Height (ft.): 200

Diameter (in.): 42

NYTMN (km.): 4812.823 NYTME (km.): 376.231 Building: 1

**Condition 62: Process Definition By Emission Unit
Effective between the dates of 09/24/2002 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 62.1:

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

Emission Unit: U-00010

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Process: GAS

Source Classification Code: 1-01-007-02

Process Description:

THIS PROCESS ALLOWS THE USE OF NATURAL GAS
TO BE FIRED IN THE NEW VOLCANO D3 70 UNIT.

Emission Source/Control: S0010 - Combustion

Item 62.2:

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

Emission Unit: U-00010

Process: OIL

Source Classification Code: 1-01-007-02

Process Description:

THIS PROCESS ALLOWS THE USE OF DISTILLATE
OIL TO BE FIRED IN THE NEW VOLCANO D3 70
UNIT.

Emission Source/Control: S0010 - Combustion