



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 7-5032-00019/00016  
Effective Date: 10/15/2008 Expiration Date: 10/14/2013

Permit Issued To: CAYUGA OPERATING COMPANY LLC  
228 CAYUGA DR  
LANSING, NY 14882

Contact: PETER BATROWNY  
AES CAYUGA LLC  
228 CAYUGA DR  
LANSING, NY 14882-8896  
(607) 533-7913

Facility: CAYUGA OPERATING COMPANY, LLC  
228 CAYUGA DR  
LANSING, NY 14882

Description:  
First Title V 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
  - Applications for Permit Renewals and Modifications
  - Permit modifications, suspensions or revocations by the Department
  - Permit Modifications, Suspensions and 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 to the Department for approval.



**Condition 4: Applications for Permit Renewals and Modifications**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

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 4.2:**

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 4.3:**

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 5: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 5.1:**

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

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

**Condition 6: Permit Modifications, Suspensions and Revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.14**

**Item 6.1:**

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;



commissioner, any  
the Department

provisions of the Environmental Conservation Law or regulations of  
related to the permitted activity.

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

**Condition 7: Submission of application for permit modification or renewal-REGION 7  
HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 7.1:**

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

**New York State Department of Environmental Conservation**

**Permit ID: 7-5032-00019/00016**

**Facility DEC ID: 7503200019**



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

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

**IDENTIFICATION INFORMATION**

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228 CAYUGA DR  
LANSING, NY 14882

Facility: CAYUGA OPERATING COMPANY, LLC  
228 CAYUGA DR  
LANSING, NY 14882

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

Permit Effective Date: 10/15/2008

Permit Expiration Date: 10/14/2013



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR 201-6.5 (b) (2): Compliance Certification
- 25 6 NYCRR 201-6.5 (c) (3): Compliance Certification
- 26 6 NYCRR Part 204: Compliance Certification
- 27 6 NYCRR 227-1.2 (a) (3): Compliance Certification
- 28 6 NYCRR 227-2.5 (b): Compliance Certification
- 29 6 NYCRR 243-1.6 (c): NOx Ozone Season Emission Requirements
- 30 6 NYCRR 243-1.6 (d): Excess emission requirements
- 31 6 NYCRR 243-1.6 (e): Recordkeeping and reporting requirements
- 32 6 NYCRR 243-2.1: Authorization and responsibilities of CAIR designated representative
- 33 6 NYCRR 243-8.1: General requirements
- 34 6 NYCRR 243-8.1: Prohibitions
- 35 6 NYCRR 243-8.3: Out of control periods
- 36 6 NYCRR 243-8.5 (d): Quarterly reports
- 37 6 NYCRR 243-8.5 (e): Compliance certification
- 38 6 NYCRR Subpart 244-1: CAIR General and Permit Requirements
- 39 6 NYCRR Subpart 244-2: Designated CAIR Representative
- 40 6 NYCRR Subpart 244-8: Compliance Certification
- 41 6 NYCRR Subpart 245-1: CAIR General and Permit Requirements

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- 42 6 NYCRR Subpart 245-2: Designated CAIR Representative
  - 43 6 NYCRR Subpart 245-8: Monitoring and Reporting SO2 Emissions
  - 44 40 CFR 64.6: Compliance Certification
  - 45 40CFR 72.6(a)(1), Subpart A: Facility Subject to Title IV Acid Rain Regulations and Permitting
- Emission Unit Level**
- 46 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
  - 47 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

**EU=M-00001**

- 48 6 NYCRR 201-6.5 (f): Compliance Certification
- 49 40CFR 72.6(a)(2), Subpart A: Phase II Applicability Condition

**EU=M-00001,Proc=P11,ES=B0001**

- 50 6 NYCRR 225-1.5 (b): Compliance Certification
- 51 6 NYCRR 225-1.5 (b): Compliance Certification
- 52 6 NYCRR 225-1.5 (b): Compliance Certification

**EU=M-00001,Proc=P12,ES=B0001**

- 53 6 NYCRR 225-1.2 (d): Compliance Certification

**EU=M-00001,Proc=P21,ES=B0002**

- 54 6 NYCRR 225-1.5 (b): Compliance Certification
- 55 6 NYCRR 225-1.5 (b): Compliance Certification
- 56 6 NYCRR 225-1.5 (b): Compliance Certification

**EU=M-00001,Proc=P22,ES=B0002**

- 57 6 NYCRR 225-1.2 (d): Compliance Certification

**EU=M-00001,EP=NEW01**

- 58 6 NYCRR 225-1.7 (c): Compliance Certification
- 59 6 NYCRR 227-1.3: Compliance Certification

**EU=M-00001,EP=NEW02**

- 60 6 NYCRR 225-1.7 (c): Compliance Certification
- 61 6 NYCRR 227-1.3: Compliance Certification

**EU=M-00001,EP=NEW03**

- 62 6 NYCRR 227-1.3: Compliance Certification

**EU=M-00002**

- 63 6 NYCRR 227-1.3 (a): Compliance Certification
- 64 6 NYCRR 227-2.4 (d): Compliance Certification
- 65 40CFR 63.7545(b), Subpart DDDDD: Compliance Certification

**EU=M-00004**

- 66 40CFR 60.672(e), NSPS Subpart OOO: Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**



**Facility Level**

- 67 ECL 19-0301: Contaminant List
- 68 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 69 6 NYCRR 211.2: Air pollution prohibited
- 70 6 NYCRR 237-1.6 (c): Compliance Demonstration
- 71 6 NYCRR 237-1.6 (e): Recordkeeping and Reporting Requirements
- 72 6 NYCRR Subpart 237-2: Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.
- 73 6 NYCRR 237-4.1: Compliance Demonstration
- 74 6 NYCRR 237-7.1: Submission of NOx allowance transfers
- 75 6 NYCRR 238-1.6 (c): Compliance Demonstration
- 76 6 NYCRR 238-1.6 (e): Record keeping and Reporting Requirements
- 77 6 NYCRR 238-2.1: Submissions to the Department
- 78 6 NYCRR 238-4.1: Compliance Demonstration
- 79 6 NYCRR 238-7.1: Submission of SO2 allowance transfers
- 80 6 NYCRR Subpart 238-8: Monitoring and Reporting requirements
- 81 6 NYCRR 246.3: Mercury testing
- 82 6 NYCRR 246.5: Annual Mercury Emission Limit
- 83 6 NYCRR 246.5 (b): Compliance Demonstration
- 84 6 NYCRR 246.6: Mercury Emission Limit 2015
- 85 6 NYCRR 246.7: Monitoring and Reporting
- 86 6 NYCRR 246.8 (c) (1): Certification Procedures for CEMs
- 87 6 NYCRR 246.8 (c) (2): Recertification for CEMs
- 88 6 NYCRR 246.9: Missing Data Procedures
- 89 6 NYCRR 246.11 (a): Compliance Demonstration
- 90 6 NYCRR 246.11 (b): Compliance Demonstration
- 91 6 NYCRR 246.11 (c): Compliance Demonstration
- 92 6 NYCRR 246.11 (d): Compliance Demonstration
- 93 6 NYCRR 246.11 (e): Compliance Demonstration

**Emission Unit Level**

**EU=M-00001**

- 94 6 NYCRR 201-1.4: Compliance Demonstration
- 95 6 NYCRR 246.8 (c) (3): 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 1: Acceptable Ambient Air Quality**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 1.1:**

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

**Condition 2: Fees**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 2.1:**

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

**Condition 3: Recordkeeping and reporting of compliance monitoring**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 3.1:**



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

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

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

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

**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 4.1:**

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

**Condition 5: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum



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

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

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

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

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

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

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



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

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

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

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 6 calendar month(s).



**Condition 6: Compliance Certification**  
Effective between the dates of 10/15/2008 and 10/14/2013

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance certifications shall contain the following information:

- 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.

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.

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

USEPA Region 2  
Air Compliance Branch

**New York State Department of Environmental Conservation**

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



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 BCME is as follows:

NYSDEC  
Bureau of Compliance Monitoring  
and Enforcement  
625 Broadway  
Albany, NY 12233-3258

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 8.1:**

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

- (1) a copy of each emission statement submitted to the department; and



(2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

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

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites  
Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 9.1:**

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

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

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

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

**Condition 10: Maintenance of Equipment  
Effective between the dates of 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**



**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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

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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 10/15/2008 and 10/14/2013**

**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 10/15/2008 and 10/14/2013**

**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: M-00001

Emission Unit Description:

AES CAYUGA STATION IS AN ELECTRIC GENERATING STATION CONSISTING OF TWO GENERATOR UNITS. THE FOLLOWING IDENTIFIERS WILL BE USED IN RELATION TO THIS EMISSION UNIT: AES CAYUGA BOILERS, EMISSION UNIT M00001; AES CAYUGA STACK 1, EMISSION POINT NEW01; AES CAYUGA STACK 2, EMISSION POINT NEW02; AES CAYUGA BYPASS STACK, EMISSION POINT NEW03; BOILER 1, EMISSION SOURCE B0001; BOILER 1 ELECTROSTATIC PRECIPITATOR, EMISSION SOURCE ESP01; BOILER 1 FLUE GAS DESULFURIZATION SYSTEM, EMISSION SOURCE FGD01; BOILER 1 SELECTIVE CATALYTIC REDUCTION, EMISSION SOURCE SCR01; BOILER 2, EMISSION SOURCE B0002; BOILER 2 ELECTROSTATIC PRECIPITATOR, EMISSION SOURCE ESP02; BOILER 2 FLUE GAS DESULFURIZATION



SYSTEM, EMISSION SOURCE FGD02. A PERMIT TO CONSTRUCT AND OPERATE A SELECTIVE CATALYTIC REDUCTION (SCR) UNIT FOR BOILER 2 WAS ISSUED TO AES CAYUGA ON 9/5/00. PURSUANT TO THE TERMS OF A LETTER AGREEMENT BETWEEN AES CAYUGA AND NYSDEC DATED 2/25/05, AN OPERATIONAL FLEXIBILITY PLAN HAS BEEN INCORPORATED INTO THIS TITLE V PERMIT TO FACILITATE THE INSTALLATION OF THE SCR AT A LATER DATE. PROCESSES FOR BOILER 1 ARE: BURNING BITUMINOUS COAL, PROCESS P11; BURNING NO. 2 FUEL OIL OR DIESEL FUEL, PROCESS P12. PROCESSES FOR BOILER 2 ARE: BURNING BITUMINOUS COAL, PROCESS P21; BURNING NO. 2 FUEL OIL OR DIESEL FUEL, PROCESS P22.

STEAM FOR GENERATING UNIT 1 IS SUPPLIED BY EMISSION SOURCE B0001. EMISSION SOURCE B0001 PRIMARILY EXHAUSTS THROUGH EMISSION POINT NEW01, BUT IT HAS THE CAPABILITY OF ALSO EXHAUSTING THROUGH EMISSION POINTS NEW02 AND NEW03. EMISSION SOURCE B0001 IS A COMBUSTION ENGINEERING DRY BOTTOM, TANGENTIALLY FIRED BOILER RATED AT 1,484 MMBTU/HR MAXIMUM HEAT INPUT. THE BOILER BURNS BITUMINOUS COAL AS ITS PRIMARY FUEL. NO. 2 FUEL OIL OR DIESEL FUEL IS USED FOR STARTUP AND FLAME STABILIZATION.

STEAM FOR GENERATING UNIT 2 IS SUPPLIED BY EMISSION SOURCE B0002. EMISSION SOURCE B0002 PRIMARILY EXHAUSTS THROUGH EMISSION POINT NEW02, BUT IT HAS THE CAPABILITY OF ALSO EXHAUSTING THROUGH EMISSION POINTS NEW01 AND NEW03. EMISSION SOURCE B0002 IS A COMBUSTION ENGINEERING DRY BOTTOM, TANGENTIALLY FIRED BOILER RATED AT 1,517 MMBTU/HR MAXIMUM HEAT INPUT. THE BOILER BURNS BITUMINOUS COAL AS ITS PRIMARY FUEL. NO. 2 FUEL OIL OR DIESEL FUEL IS USED FOR STARTUP AND FLAME STABILIZATION.

EMISSION SOURCES B0001 AND B0002 ARE EACH EQUIPPED WITH AN ELECTROSTATIC PRECIPITATOR TO CONTROL PARTICULATE MATTER EMISSIONS. THE PRECIPITATORS WERE COMPLETELY GUTTED AND REBUILT AS PART OF THE FLUE GAS DESULFURIZATION SYSTEM INSTALLATION. SULFUR DIOXIDE EMISSIONS ARE CONTROLLED BY A FLUE GAS DESULFURIZATION (FGD) SYSTEM CAPABLE OF UP TO 98% REMOVAL EFFICIENCY .



THE FGD SYSTEM WAS INSTALLED AS PART OF THE DEPT OF ENERGY'S CLEAN COAL TECHNOLOGY DEMONSTRATION PROGRAM. THERE IS A MODULE FOR EACH BOILER, EACH MODULE HAS ITS OWN STACK. GENERALLY, EMISSION SOURCE B0001 IS CONTROLLED BY EMISSION SOURCE FGD01 AND EMISSION SOURCE B0002 IS CONTROLLED BY EMISSION SOURCE FGD02, BUT THE FGD SYSTEM IS DESIGNED SUCH THAT THE GAS FROM EITHER BOILER CAN BE TREATED BY EITHER MODULE. IN ADDITION, THERE IS A BYPASS STACK WHICH MAY BE USED DURING A BOILER STARTUP AND IN THE CASE OF AN FGD MODULE PROBLEM. NITROGEN OXIDE EMISSIONS ARE CONTROLLED THROUGH THE USE OF A LEVEL III LOW NOX CONCENTRIC FIRING SYSTEM (LNCFS-III) INSTALLED ON EACH BOILER AND GOOD COMBUSTION PRACTICES. THE LNCFS-III WAS ALSO INSTALLED AS PART OF THE DOE CLEAN COAL TECHNOLOGY DEMONSTRATION PROJECT. IN ADDITION, AN SCR IS INSTALLED ON BOILER 1 AND IS OPTIONALLY USED TO PROVIDE SUPPLEMENTAL NO<sub>x</sub> EMISSIONS CONTROL AS WARRANTED TO MEET NO<sub>x</sub> RACT, NO<sub>x</sub> BUDGET AND NO<sub>x</sub> ACID DEPOSITION REGULATIONS.

Building(s): BOILER

**Item 23.2:**

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

Emission Unit: M-00002

Emission Unit Description:

500 hp (20.9 mmBtu/hr) Cleaver Brooks Firetube boiler; Emission Source AUXB1. No. 2 oil fired, used to generate low pressure steam for heating the building when boilers 1 and 2 are off line.

Building(s): BOILER

**Item 23.3:**

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

Emission Unit: M-00003

Emission Unit Description:

This emission unit designates the coal handling system. The emission source is the Coal Storage Pile, CPILE; the process is the Coal Handling and Storage, CHS. Coal is delivered to Cayuga Station by train and truck. Rail cars are unloaded using a rotary car dumper in the coal unloading building. Frozen coal is thawed using heated air generated by burners firing Number 2 oil. The coal is dumped from the rail cars into a hopper, and is fed to an enclosed conveyor which transports the coal to the apron conveyor and onto the coal storage pile. Coal delivered by



truck is dumped directly onto the coal storage pile. A bulldozer is used to shape the pile and reclaim coal from the storage pile by pushing the coal into a reclaim hopper. Two reclaim hoppers are used, each located in a different area of the coal pile to facilitate blending of coal from different sources. Each reclaim hopper discharges to an enclosed conveyor which transports the coal to the bunkers for Boiler 1 and Boiler 2. All potential emissions from this emission unit are fugitive and there are no emission unit specific applicable requirements (i.e., only facility-wide requirements apply).

**Item 23.4:**

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

Emission Unit: M-00004

Emission Unit Description:

Limestone and Gypsum Handling Systems. The following identifiers will be used: Emission Source LPILE designates the limestone storage pile; Emission Source LCONV designates the limestone belt conveyor; Emission Sources LIMS1 and LIMS2 designate the limestone storage bins 1 and 2; and Emission Sources LGRD1 and LGRD2 designate two limestone grinders.

Crushed limestone is delivered to Cayuga Station by truck and is either dumped onto the storage pile or directly into the reclaim hopper. A front end loader is used to shape the pile and transfer limestone to the reclaim hopper as needed. The reclaim hopper discharges through a feeder to a belt conveyor inside the reclaim facility building. An insertable dust collector is used at the transfer point with exhaust air recirculated to the building. The belt conveyor transports the limestone to storage bins LIMS1 and LIMS2 located in the FGD building. Outdoor portions of the conveyor are enclosed. An insertable dust collector is used at the belt conveyor discharge with exhaust air recirculated to the building. The two limestone storage bins are equipped with bin vent filters that discharge indoors. Each storage bin feeds a wet ball mill grinder used to prepare the grindstone slurry for use in the FGD system wet scrubber.

Spent limestone slurry from each wet scrubber (scrubber blowdown) is dewatered in a centrifuge located in the FGD building. The dewatered material (predominantly calcium sulfate, or gypsum) is transported to a storage pile in the Gypsum Storage Building via a series of belt conveyors. Outdoor portions of the belt conveyor are enclosed. The gypsum is loaded onto trucks using a front end loader and is sold for use in the construction products industry (e.g., wallboard, cement) or, if necessary, is transported to the on-site landfill where it



is disposed with the boiler flyash.

All potential emissions from this emission unit are fugitive. The limestone belt conveyor, storage bins and wet ball mill grinders are affected facilities under 40 CFR Part 60, Subpart OOO, Standards of Performance for Nonmetallic Mineral Processing Plants.

**Condition 24: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 24.1:**

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

Emission Unit: M-00001 Emission Point: NEW01

Emission Unit: M-00001 Emission Point: NEW02

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

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition implements the requirements of 40 CFR 64.6(e)(1) and 40 CFR 70.6(a)(3)(i)(B).

On an annual basis, the owner shall conduct particulate matter emissions tests on Boilers 1 and 2. Such testing shall be conducted in accordance with a protocol approved by the DEC.

Testing and reporting shall be conducted in accordance with the requirements of 6 NYCRR 202-1.

The requirement to conduct annual testing shall not apply once a plan implementing 40 CFR Part 64, Compliance Assurance Monitoring, is approved by the DEC.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 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 25: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 25.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

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



Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 6 calendar month(s).

**Condition 26: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR Part 204**

**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:

The facility is a NOx Budget source and operates two NOx budget units as defined in 6 NYCRR 204. The facility must comply with the provisions of 6 NYCRR Part 204.

1. The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under 6 NYCRR 204-6.5, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with 6 NYCRR 204-8.
2. The owners and operators of a NOx budget unit that has excess emissions in any control period shall: (1) forfeit the NOx allowances required for deduction under 6 NYCRR 204-6.5(d)(1); and (2) pay any fine, penalty, or assessment or comply with any other remedy imposed under 6 NYCRR 204-6.5(d)(3).
3. Pursuant to 6 NYCRR 204-1.6(e)(1), unless otherwise provided, the owners and operators of the NOx budget source and each NOx budget unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time prior to the end of five years, in writing by the department or the administrator.
  - (i) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 6 NYCRR



204-2.4; 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 account certificate of representation changing the NOx authorized account representative.

(ii) All emissions monitoring information, in accordance with 6 NYCRR 204-8; provided that to the extent that 6 NYCRR 204-8 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 NOx Budget Trading Program.

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

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

5. The NOx authorized account representative shall include in the compliance certification report under Item 4 of this condition the following elements, in a format prescribed by the administrator, concerning each unit at the source and subject to the NOx budget emissions limitation for the control period covered by the report:

(i) identification of each NOx budget unit;

(ii) at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under 6 NYCRR 204-6.5 for the control period;

(iii) at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with 6 NYCRR 204-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under 6 NYCRR 204-6.5(e); and

(iv) the compliance certification under subdivision (c) of this section.



6. In the compliance certification report under Item 4 of this condition, the NO<sub>x</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> budget units at the source in compliance with the NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NO<sub>x</sub> Budget Trading Program applicable to the unit, including:

(i) whether the unit was operated in compliance with the NO<sub>x</sub> budget emissions limitation;

(ii) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with 6 NYCRR 204-8;

(iii) whether all the NO<sub>x</sub> emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with 6 NYCRR 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;

(iv) whether the facts that form the basis for certification under 6 NYCRR 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under 6 NYCRR 204-8, if any, has changed; and

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

7. The NO<sub>x</sub> allowances are available to be deducted for compliance with a unit's NO<sub>x</sub> budget emissions limitation for a control period in a given year only if the NO<sub>x</sub> allowances:(1) were allocated for a control period in a



prior year or the same year; and(2) are held in the unit's compliance account, or the overdraft account of the source where the unit is located, as of the NOx allowance transfer deadline for that control period or are transferred into the compliance account or overdraft account by a NOx allowance transfer correctly submitted for recording under section 6 NYCRR 204-7.1 by the NOx allowance transfer deadline for that control period.

8. The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in 6 NYCRR 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR part 75 shall be replaced by the terms "NOx budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in 6 NYCRR 204-1.2.

8. Whenever any monitoring system fails to meet the quality assurance requirements of appendix B of 40 CFR part 75, data shall be substituted using the applicable procedures in subpart D, appendix D, or appendix E of 40 CFR part 75.

9. The NOx authorized account representative shall submit quarterly reports, as follows:

(i) The NOx authorized account representative shall submit a quarterly report for each calendar quarter;

(ii) The NOx authorized account representative shall submit each quarterly report to the DEC and the EPA 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.

(iii) Quarterly reports shall include all of the data and information required in subpart H of 40 CFR part 75 for each NOx budget unit (or group of units using a common stack) as well as information required in subpart G of 40 CFR part 75.

10. The NOx authorized account representative shall submit to the DEC and the EPA 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. The certification shall state that:

(i) the monitoring data submitted were recorded in accordance with the applicable requirements of 6 NYCRR 204 and 40 CFR Part 75, including the quality assurance procedures and specifications;

(ii) for a unit with add-on NOx emission controls and for all hours where 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 monitoring plan and the substitute values do not systematically underestimate NOx emissions; and

(iii) for a unit that is reporting on a control period basis under this subdivision the NOx emission rate and NOx concentration values substituted for missing data under subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NOx emissions.

11. On a semi-annual basis, the owner or operator shall submit to the DEC a report stating whether emissions were monitored as required pursuant to this condition.

12. On an annual basis, the owner or operator shall submit to the DEC a compliance certification. Such certification shall state whether the owner or operator has complied with all requirements of this condition.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

**Condition 27: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 227-1.2 (a) (3)**

**Item 27.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: M-00001

Process: P11

Emission Unit: M-00001



Process: P21

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

**Item 27.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Particulate matter emissions shall not exceed 0.1 pounds per million BTU. Compliance shall be demonstrated through stack testing conducted in accordance with 40 CFR Part 60, App A, Method 5 and a protocol approved by the DEC. Testing shall be conducted at least once per permit term and at any other time when requested by the DEC.

The owner or operator shall submit to the DEC a protocol for testing no later than 30 days prior to conducting such tests. Results of the test shall be submitted to the DEC no later than 60 days after completion of such tests.

In the annual certification report, the owner or operator shall state whether a test was conducted in that reporting period and if so, the results of such tests.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.1 pounds per million Btus

Reference Test Method: 40 CFR Part 60, App A, Method 5

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

**Condition 28: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 227-2.5 (b)**

**Item 28.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: M-00001

Process: P11

Emission Source: B0001

Emission Unit: M-00001

Process: P21

Emission Source: B0002



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

**Item 28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Boiler #1 (Emission Source B0001) and Boiler #2 (Emission Source B0002) are dry-bottom, tangentially-fired, pulverized coal, very large boilers with an emission limit of 0.42 lb/mmBtu (24 hour avg during ozone season, 30 day rolling avg during non ozone season). However, AES has opted to comply with a system-wide NOx averaging plan approved by the Department. NOx emissions shall be continuously monitored and recorded in accordance with 40 CFR Part 75 and the Acid Rain CEM monitoring Plan, as allowed by Part 227-2.6(a)(1) and (b)(5).

Under the NOx emissions averaging plan, system-wide actual NOx emissions must not exceed system-wide allowable NOx emissions. System-wide allowable NOx emissions are those emissions that would be allowed in the absence of a NOx averaging plan if each unit operated in compliance with the presumptive NOx RACT limit. Allowable NOx emissions for an individual boiler are computed as the product of each boiler's daily (or 30 day) heat input and the allowable NOx RACT rate. System-wide allowable NOx emissions are computed as the sum of the allowable emissions for each boiler for a given averaging period. Actual system-wide NOx emissions are the sum of all emissions emitted from each stack for the given averaging period.

AES must report system-wide NOx emissions to the Department on a calendar quarter basis. Such reports must be submitted in a format acceptable to the Department no later than 30 days after the end of each calendar year quarter. For each period when emissions exceed the allowable limit, AES shall report the magnitude, duration and cause of the exceedance, as well as the corrective action taken to correct the exceedance.

Manufacturer Name/Model Number: TEI 42C  
Upper Permit Limit: 0.42 pounds per million Btus  
Reference Test Method: 40 CFR 75  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 24-HOUR AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.



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

**Condition 29: NOx Ozone Season Emission Requirements**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 29.1:**

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

A CAIR NOx Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NOx Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NOx Ozone Season allowance was allocated.

CAIR NOx Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NOx Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

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

A CAIR NOx Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NOx Ozone Season allowance to or from a CAIR NOx Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

**Condition 30: Excess emission requirements**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 30.1:**

If a CAIR NOx Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NOx Ozone Season emissions limitation, then:

(1) the owners and operators of the source and each CAIR NOx Ozone Season unit at the source shall surrender the CAIR NOx Ozone Season allowances required for deduction under section









**Item 35.1:**

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.

**Condition 36: Quarterly reports**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 36.1:**

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

If the CAIR NOx Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NOx emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NOx mass emissions) for such unit for the entire year and shall report the NOx mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

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

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

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

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

**Condition 37: Compliance certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 37.1:**

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



emissions are correctly and fully monitored. The certification shall state that:

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

(2) for a unit with add-on 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; and

(3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NOx emission rate and NOx concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NOx emissions.

**Condition 38: CAIR General and Permit Requirements  
Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 38.1:**

(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, 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. (244-1.6(c)(1) , 244-1.2(b)(5), 244-1.2(b)(36))

(2) A CAIR NOx 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 NOx allowance was allocated. (244-1.6(c)(3))

(3) 'Excess emissions requirements.' 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:

(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. (244-1.6(e))

**Condition 39: Designated CAIR Representative**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 39.1:**

(1) Each CAIR NOx source shall have one CAIR designated representative and may have one alternate representative, as per 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 section 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under section 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.

(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."

**Condition 40: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 40.1:**



The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 40.2:**

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 Clean Air Interstate Rule (CAIR) designated representative, of a CAIR NOx unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in section 244-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or CEMS) in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR NOx unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 244-1.2. [244-8.1]

2) 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)]

3) 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)]

4) The owners and operators, and to the extent applicable, the CAIR designated representative shall comply with all recordkeeping and reporting requirements in section 244-8.5, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6NYCRR Part 244-2.1(e)(1). [244-8.5(a)]

5) The owner or operator of a CAIR NO<sub>x</sub> unit shall comply with requirements of 40 CFR 75.73(c) and (e) for monitoring plans. [244-8.5(b)]

6) The CAIR designated representative shall submit a certification application to the department within 45 days after completing all initial certification or recertification tests required under section 244-8.2, including the information required under 40 CFR 75.63. [244-8.5(c)]

7) The CAIR designated representative shall submit quarterly reports of the NO<sub>x</sub> mass emissions data and heat input data for each CAIR NO<sub>x</sub> unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter covering January 1, 2008 through March 31, 2008; unless the unit commences commercial operation on or after July 1, 2007, then quarterly reporting commences with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 244-8.1(b). [244-8.5(d)(1)]

8) 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). [244-8.5(d)(2)]

9) For CAIR NO<sub>x</sub> units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Ozone Season Trading Program, CAIR SO<sub>2</sub> Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam



Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by Subpart 244-8. [244-8.5(d)(3)]

10) 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: [244-8.5(e)]

(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.

Monitoring Frequency: CONTINUOUS  
Averaging Method: ANNUAL TOTAL  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 41: CAIR General and Permit Requirements**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 41.1:**

(1) Each CAIR SO2 source must have a permit issued by the department pursuant to 6NYCRR Parts 201 and 621 of this title; and shall have a CAIR permit issued pursuant to 6NYCRR Part 245-3 by the Department and operate the source in compliance with such CAIR permit. Each CAIR permit must contain all applicable requirements for the CAIR SO2 Trading Program and shall be a complete and separable portion of the permit. (245-1 and 245-3)

(2) 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 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) as determined in accordance with 6NYCRR Part 245-6.5(a) and (b), not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO2 units at the source, as

**New York State Department of Environmental Conservation**

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



determined in accordance with 6NYCRR Part 245-8. (245-1.2(b)(5), 245-1.6(c)(1), 245-1.2(b)(36))

(3) A CAIR SO<sub>2</sub> allowance shall not be deducted, for compliance with the requirements under paragraph (2) of this section, for a control period in a calendar year before the year for which the CAIR SO<sub>2</sub> allowance was allocated. (245-1.6(c)(3))

(4)'Excess emissions requirements.' If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, the owners and operators of the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 6NYCRR Part 245-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law. (245-1.6(d))

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

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

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

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

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program. (245-1.6(e))

**Condition 42: Designated CAIR Representative**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 42.1:**

Each CAIR SO<sub>2</sub> source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters under the CAIR SO<sub>2</sub> Trading Program. The CAIR designated representative of the CAIR SO<sub>2</sub> source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO<sub>2</sub> units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source



shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO<sub>2</sub> source represented and each CAIR SO<sub>2</sub> unit at the source in all matters pertaining to the CAIR SO<sub>2</sub> Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.

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

**Condition 43: Monitoring and Reporting SO<sub>2</sub> Emissions**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 43.1:**

(1) The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR SO<sub>2</sub> unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this section and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such requirements, the definitions in section 245-1.2 and 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR SO<sub>2</sub> unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO<sub>2</sub> unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO<sub>2</sub> unit. (245-8.1)

(2) 'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR SO<sub>2</sub> unit shall:

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

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

(iii) record, report, and quality-assure the data from the monitoring systems under paragraph of this section. (245-8.1(a))

(3) 'Compliance deadlines.' The owner or operator shall meet the monitoring system



certification and other requirements of paragraphs (a)(1) and (2) of this section on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section on and after the following dates.

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

(ii) For the owner or operator of a CAIR SO<sub>2</sub> unit that commences commercial operation on or after July 1, 2008, by the later of the following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation. (245-8.1(b))

(4) 'Reporting data.' The owner or operator of a CAIR SO<sub>2</sub> unit that does not meet the applicable compliance date set forth in this section for any monitoring system under paragraph 2 of this section shall, for each such monitoring system, determine, record, and report maximum potential (or, as appropriate, minimum potential) values for SO<sub>2</sub> concentration, stack gas flow rate, stack gas moisture content, fuel flow rate, and any other parameters required to determine SO<sub>2</sub> mass emissions and heat input in accordance with 40 CFR 75.31(b)(2) or (c)(3) or 40 CFR Part 75, appendix D, section 2.4, as applicable. (245-8.1(c))

**Condition 44: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 40 CFR 64.6**

**Item 44.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition implements the requirements of 40 CFR 64.6(e).

(1) No later than 180 days after the effective date of this permit, the owner or operator shall submit to the DEC a plan for compliance assurance monitoring of particulate matter compliance. Such plan shall include:

(a) A description of the electrostatic precipitators;

(b) Provisions for monitoring opacity and electrostatic precipitator voltage and current and shall include procedures for certifying compliance with the particulate matter standard under various conditions of ESP performance, including operation with the precipitators operating with one or more fields out of service;

(c) Defined indicator ranges for each parameter



(opacity, voltage, and current). The opacity limit may be used as the indicator range unless it fails to provide for reasonable assurances of compliance with the particulate limit, in which case another range shall be specified;

(d) Results of emissions test conducted to demonstrate compliance under various indicator ranges. Prior to conducting any tests, the COMs shall be audited. The test results will form the justification of the indicator ranges. The DEC may waive this requirements based on the ranges selected for the ESP operating parameters; and

(e) Performance criteria for measuring and recording voltage and current readings. The opacity monitor shall meet the performance criteria of 40 CFR Part 60, Appendix B, PS 1.

(2) Not later than 180 days after DEC approval of such plan, the owner or operator shall commence monitoring of the process parameters in accordance with such DEC-approved plan. Thereafter, on a calendar quarter basis, the owner or operator shall submit to the DEC a report stating all periods where the levels of opacity and, if applicable, ESP operating parameters exceeded the levels established and approved by the DEC in Item (1) above. For each such period, the owner or operator shall state the time the excursion commenced; the time the excursion ceased; the cause of the excursion; and the corrective action taken to resolve the excursion.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 45: Facility Subject to Title IV Acid Rain Regulations and Permitting**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:40CFR 72.6(a)(1), Subpart A**

**Item 45.1:**

This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is attached to this Title V facility operating permit.

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

**Condition 46: Emission Point Definition By Emission Unit**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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



**Item 46.1:**

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

Emission Unit: M-00001

Emission Point: NEW01  
Height (ft.): 375 Diameter (in.): 144  
NYTMN (km.): 4718.008 NYTME (km.): 365.823 Building: FGD

Emission Point: NEW02  
Height (ft.): 375 Diameter (in.): 144  
NYTMN (km.): 4718.011 NYTME (km.): 365.829 Building: FGD

Emission Point: NEW03  
Height (ft.): 375 Diameter (in.): 96  
NYTMN (km.): 4718.017 NYTME (km.): 365.83 Building: FGD

**Item 46.2:**

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

Emission Unit: M-00002

Emission Point: 20001  
Height (ft.): 65 Diameter (in.): 18  
NYTMN (km.): 4717.889 NYTME (km.): 365.905

**Condition 47: Process Definition By Emission Unit**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 47.1:**

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

Emission Unit: M-00001  
Process: P11 Source Classification Code: 1-01-002-02  
Process Description:  
EMISSION SOURCE B0001 FIRES BITUMINOUS COAL AS ITS BASELINE FUEL. PARTICULATE MATTER EMISSIONS ARE CONTROLLED BY THE USE OF AN ELECTROSTATIC PRECIPITATOR AND/OR A WET SCRUBBER AND MEASURED (WHEN REQUESTED BY DEC) AT THE STACK CURRENTLY IN USE BY EMISSION SOURCE B0001. SULFUR DIOXIDE EMISSIONS ARE CONTROLLED BY A FLUE GAS DESULFURIZATION SYSTEM. NITROGEN OXIDES EMISSIONS ARE CONTROLLED THROUGH THE USE OF LNCFS-III, GOOD COMBUSTION PRACTICES AND A SELECTIVE CATALYTIC REDUCTION UNIT AS REQUIRED. NITROGEN OXIDES ARE LIMITED ON A SYSTEM-WIDE BASIS AS ESTABLISHED IN AES NEW

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YORK'S NOX RACT COMPLIANCE PLAN. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEMS ON THE STACKS.

Emission Source/Control: B0001 - Combustion  
Design Capacity: 1,484 million Btu per hour

Emission Source/Control: ESP01 - Control  
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: FGD01 - Control  
Control Type: WET SCRUBBER

Emission Source/Control: FGD02 - Control  
Control Type: WET SCRUBBER

Emission Source/Control: SCR01 - Control  
Control Type: SELECTIVE CATALYTIC REDUCTION (SCR)

**Item 47.2:**

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

Emission Unit: M-00001

Process: P12

Source Classification Code: 1-01-005-01

Process Description:

EMISSION SOURCE B0001 USES NO. 2 FUEL OIL OR DIESEL FUEL AS A STARTUP FUEL AND FOR FLAME STABILIZATION. IT IS USED ON AN AS-NEEDED BASIS. FLUE GAS OPACITY IS CONTROLLED AS NECESSARY THROUGH THE USE OF ESP FIELDS AND/OR A WET SCRUBBER DURING STARTUP. THERE ARE NO SPECIFIC FUEL OIL CONTROLS FOR SULFUR DIOXIDE OR NITROGEN OXIDES EMISSIONS. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEMS ON THE STACKS.

Emission Source/Control: B0001 - Combustion  
Design Capacity: 1,484 million Btu per hour

**Item 47.3:**

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

Emission Unit: M-00001

Process: P21

Source Classification Code: 1-01-002-02

Process Description:

EMISSION SOURCE B0002 FIRES BITUMINOUS COAL AS ITS PRIMARY FUEL. PARTICULATE MATTER EMISSIONS ARE CONTROLLED BY THE USE OF AN ELECTROSTATIC PRECIPITATOR AND/OR A

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WET SCRUBBER AND MEASURED (WHEN REQUESTED BY DEC) AT THE STACK CURRENTLY IN USE BY EMISSION SOURCE B0002. SULFUR DIOXIDE EMISSIONS ARE CONTROLLED BY A FLUE GAS DESULFURIZATION SYSTEM. NITROGEN OXIDES EMISSIONS ARE CONTROLLED THROUGH THE USE OF LNCFS-III AND GOOD COMBUSTION PRACTICES. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEMS ON THE STACKS.

Emission Source/Control: B0002 - Combustion  
Design Capacity: 1,517 million Btu per hour

Emission Source/Control: ESP02 - Control  
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: FGD01 - Control  
Control Type: WET SCRUBBER

Emission Source/Control: FGD02 - Control  
Control Type: WET SCRUBBER

**Item 47.4:**

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

Emission Unit: M-00001

Process: P22

Source Classification Code: 1-01-005-01

Process Description:

EMISSION SOURCE B0002 USES NO. 2 FUEL OIL AS A STARTUP FUEL AND FOR FLAME STABILIZATION. IT IS USED ON AN AS-NEEDED BASIS. FLUE GAS OPACITY IS CONTROLLED AS NECESSARY THROUGH THE USE OF ESP FIELDS AND/OR A WET SCRUBBER DURING STARTUP. THERE ARE NO SPECIFIC FUEL OIL CONTROLS FOR SULFUR DIOXIDE OR NITROGEN OXIDES EMISSIONS. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEMS ON THE STACKS.

Emission Source/Control: B0002 - Combustion  
Design Capacity: 1,517 million Btu per hour

**Item 47.5:**

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

Emission Unit: M-00002

Process: AXB

Source Classification Code: 1-03-005-02

Process Description:

Auxilliary boiler (Emission Source AUX1) firing No. 2



oil. The boiler shall not fire in excess of 2000 hours per year.

Emission Source/Control: AUXB1 - Combustion  
Design Capacity: 20.9 million Btu per hour

**Item 47.6:**

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

Emission Unit: M-00003  
Process: CHS Source Classification Code: 3-05-010-11  
Process Description:  
Coal handling and storage. Car dumpers; bull dozers;  
oil burners to defrost coal.

Emission Source/Control: CPILE - Process

**Item 47.7:**

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

Emission Unit: M-00004  
Process: LH2 Source Classification Code: 3-05-101-05  
Process Description:  
Limestone conveying, storage and grinding subject to 40  
CFR Part 60 Subpart OOO, Standards of Performance for  
Nonmetallic Mineral Processing Plants.

Emission Source/Control: LCONV - Process

Emission Source/Control: LGRD1 - Process

Emission Source/Control: LGRD2 - Process

Emission Source/Control: LIMS1 - Process

Emission Source/Control: LIMS2 - Process

**Item 47.8:**

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

Emission Unit: M-00004  
Process: LHS Source Classification Code: 3-05-103-05  
Process Description: Limestone storage pile

Emission Source/Control: LPILE - Process  
Design Capacity: 52,000 tons

**Condition 48: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**New York State Department of Environmental Conservation**

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



**Item 48.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

**Item 48.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

AES Cayuga, pursuant to a letter agreement between AES Cayuga and NYSDEC dated 2/25/05, may install a SCR without obtaining a construction permit.

AES shall submit to the DEC notification of commencing construction no later than 30 days prior to commencing construction.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 49: Phase II Applicability Condition**

**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 49.1:**

This Condition applies to Emission Unit: M-00001

**Item 49.2:**

**This emission unit is an affected unit under the Acid Rain Program under Title IV of the Federal Clean Air Act. The owner must comply with the attached Acid Rain permit, which is incorporated into this Title V permit.**

**Condition 50: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:6 NYCRR 225-1.5 (b)**

**Item 50.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P11

Emission Source: B0001

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 50.2:**

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 5.0 pounds SO<sub>2</sub> per million Btu, based on a 24 hour average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in accordance with 40 CFR Part 75. The bias adjustment factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the SO<sub>2</sub> lb/MMBTU equivalent emission rate for 2.5 lb Sulfur/MMBTU fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/ Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 5.0 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 51: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 225-1.5 (b)**

**Item 51.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P11

Emission Source: B0001

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 51.2:**

Compliance Certification shall include the following monitoring:

**New York State Department of Environmental Conservation**

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 3.8 pounds SO<sub>2</sub> per million Btu, based on a 3 month average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in accordance with 40 CFR Part 75. The bias adjustment factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the lb SO<sub>2</sub>/mmBtu equivalent emission rate for 1.9 lb sulfur/mmBtu fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/ Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 3.8 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-MONTH AVERAGE ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 52: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 225-1.5 (b)**

**Item 52.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P11

Emission Source: B0001

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 52.2:**

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 3.4 pounds SO<sub>2</sub> per million Btu, based on an annual average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in accordance with 40 CFR Part 75. The bias adjustment factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the SO<sub>2</sub> lb/MMBTU equivalent emission rate for 1.7 lb Sulfur/MMBTU (annual avg) fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/ Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 3.4 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 53: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 53.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P12

Emission Source: B0001

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 53.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL



DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

The State enforceable limit for sulfur in fuel oil is 1.5% sulfur by weight and the Federally enforceable limit is 2.0% by weight. Diesel fuel and No. 2 fuel oil must, by specification, contain no more than 0.5% sulfur. Compliance with the Part 225 limits shall be demonstrated by vendor receipts indicating the type and quantity for each fuel oil delivery received at the facility. These records must be retained at the facility for five years, and must be made available to the Department upon request. AES shall include a statement in the quarterly report regarding compliance of fuel oil deliveries received during the quarter.

Parameter Monitored: SULFUR

Upper Permit Limit: 1.5 percent by weight

Reference Test Method: ASTM Sulfur in Fuel

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 54: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 225-1.5 (b)**

**Item 54.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P21

Emission Source: B0002

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 54.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 5.0 pounds SO<sub>2</sub> per million Btu, based on a 24 hour average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in accordance with 40 CFR Part 75. The bias adjustment

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factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the SO<sub>2</sub> lb/MMBTU equivalent emission rate for 2.5 lb Sulfur/MMBTU fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 5.0 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 55: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 225-1.5 (b)**

**Item 55.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P21

Emission Source: B0002

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 55.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 3.8 pounds SO<sub>2</sub> per million Btu, based on a 3 month average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in

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accordance with 40 CFR Part 75. The bias adjustment factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the lb SO2/mmBtu equivalent emission rate for 1.9 lb sulfur/mmBtu fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/ Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 3.8 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-MONTH AVERAGE ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 56: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:6 NYCRR 225-1.5 (b)**

**Item 56.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P21

Emission Source: B0002

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 56.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The owner or operator shall not cause or allow emissions of sulfur dioxide in excess of 3.4 pounds SO2 per million Btu, based on an annual average.

Compliance shall be determined using Continuous Emissions Monitoring Systems installed, maintained and operated in accordance with 40 CFR Part 75. The bias adjustment



factor shall not be used to adjust the data.

On a calendar quarter basis, the owner or operator shall submit to the DEC a report of excess emissions. Such report shall state the date each period of excess emissions began and ended; the average magnitude of such excess emission; the cause of the excess emissions; and the corrective action taken to abate such excess emissions.

This limit is the SO2 lb/MMBTU equivalent emission rate for 1.7 lb Sulfur/MMBTU (annual avg) fuel limit from Table 2 of 6 NYCRR 225-1.

Manufacturer Name/Model Number: TEI 43C/ Milton Roy 3300

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 3.4 pounds per million Btus

Reference Test Method: 40 CFR Part 75

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 45 days after the reporting period.

The initial report is due 2/14/2009.

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

**Condition 57: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 57.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Process: P22

Emission Source: B0002

Regulated Contaminant(s):

CAS No: 007446-09-5

SULFUR DIOXIDE

**Item 57.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The State enforceable limit for sulfur in fuel oil is 1.5% sulfur by weight and the Federally enforceable limit is 2.0% by weight. Diesel fuel and No. 2 fuel oil must, by specification, contain no more than 0.5% sulfur. Compliance with the Part 225 limits shall be demonstrated by vendor receipts indicating the type and quantity for each fuel oil delivery received at the facility. These





The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Emission Point: NEW01

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition applies when combusting fuel and/or operating the induced draft fans.

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate and maintain in accordance with manufacturer's instructions, a COMS in the duct work satisfying the criteria in Appendix B of 40 CFR part 60, unless an alternative monitoring methodology has been approved by the Department pursuant to 6 NYCRR Part 227-1.4(d). The COMS may be installed at a suitable location in the ductwork downstream of the ESP and upstream of the FGD system, or alternatively in the stack.

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

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



record data during the reporting period;

(5) The total number of exceedances and the duration of exceedances expressed as a percentage of the total time which the COMS are required to record data.

Manufacturer Name/Model Number: SICK OMD 41  
Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 40 CFR 60 APP B RM 9  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 60 days after the reporting period.  
The initial report is due 3/1/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 60: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 60.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: M-00001 Emission Point: NEW02

**Item 60.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED  
Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 61: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:6 NYCRR 227-1.3**

**Item 61.1:**



The Compliance Certification activity will be performed for:

Emission Unit: M-00001

Emission Point: NEW02

**Item 61.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition applies when combusting fuel and/or operating the induced draft fans.

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate and maintain in accordance with manufacturer's instructions, a COMS in the duct work satisfying the criteria in Appendix B of 40 CFR part 60, unless an alternative monitoring methodology has been approved by the Department pursuant to 6 NYCRR Part 227-1.4(d). The COMS may be installed at a suitable location in the ductwork downstream of the ESP and upstream of the FGD system, or alternatively in the stack.

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

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



record data during the reporting period;

(5) The total number of exceedances and the duration of exceedances expressed as a percentage of the total time which the COMS are required to record data.

Manufacturer Name/Model Number: SICK OMD 41  
Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 40 CFR 60 APP B /RM 9  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 60 days after the reporting period.  
The initial report is due 3/1/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 62: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement: 6 NYCRR 227-1.3**

**Item 62.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00001 Emission Point: NEW03

**Item 62.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition applies when combusting fuel and/or operating the induced draft fans.

Stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard may be determined by EPA Reference Method 9, Continuous Opacity Monitoring System (COMS) data, and/or any other credible evidence. The owner shall install, operate and maintain in accordance with manufacturer's instructions, and properly maintain, a COMS in the duct work satisfying the criteria in Appendix B of 40 CFR part 60, unless an alternative monitoring methodology has been approved by the Department pursuant to 6 NYCRR Part 227-1.4(d).

The owner shall submit an accurate excess emissions and monitoring system performance report to the Department for each calendar year quarter. All reports shall be



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

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

Manufacturer Name/Model Number: SICK OMD 41  
Parameter Monitored: OPACITY  
Upper Permit Limit: 20 percent  
Reference Test Method: 40 CFR 60 APP B/ RM 9  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 60 days after the reporting period.  
The initial report is due 3/1/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 63: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 63.1:**  
The Compliance Certification activity will be performed for:

Emission Unit: M-00002

**Item 63.2:**  
Compliance Certification shall include the following monitoring:



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

Monitoring Description:

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

The owner or operator shall:

- 1) Observe the stack for this boiler once each quarter in which the boiler operates. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded:
  - date and time of day
  - observer's name
  - identity of emission point
  - weather condition
  - was a plume observed?

This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than condensed water vapor - see below), then a Method 9 analysis (based upon a 6-minute mean) must be conducted within two (2) weekday boiler operating days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is exceeded. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Condensed water vapor plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

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On a semi-annual basis, the owner or operator must report to the DEC (in the semi-annual report required elsewhere in the permit) whether any observations were taken and if so, the results of such observation.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR Part 60, APPENDIX A, Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 64: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:6 NYCRR 227-2.4 (d)**

**Item 64.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00002

**Item 64.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of this small boiler must annually perform a tune-up and maintain, in a permanently bound log book, or other format approved in writing by the department, the date of the last tune up; the name, title and affiliation of the person who made the adjustments, and the results of any testing, including testing using portable pollutant monitoring devices (such as a portable CO monitor).

On a calendar year basis, in the annual certification, the owner or operator shall state whether he or she has complied with this requirement.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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

**Condition 65: Compliance Certification**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:40CFR 63.7545(b), Subpart DDDDD**

**New York State Department of Environmental Conservation**

Permit ID: 7-5032-00019/00016

Facility DEC ID: 7503200019



**Item 65.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00002

**Item 65.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must submit to the DEC and the EPA an initial notification as specified in 40 CFR 63.9(b)(2).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 66: Compliance Certification**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable Federal Requirement:40CFR 60.672(e), NSPS Subpart OOO**

**Item 66.1:**

The Compliance Certification activity will be performed for:

Emission Unit: M-00004

**Item 66.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Limestone conveyor transfer points, storage bins and wet ball mill grinders at Cayuga Station are subject to EPA's Standards of Performance for Nonmetallic Mineral Processing Plants. These points of emissions are located indoors. Each building enclosing the affected equipment must comply with the following emission limits:

No owner or operator shall cause to be discharged into the atmosphere from any building enclosing any transfer point on a conveyor belt or any other affected facility any visible fugitive emissions except emissions from a vent. Emissions from such building vent shall not

(1) contain particulate matter in excess of 0.05 grams/dscm (0.022 gr/dscf), nor

(2) exhibit greater than 7% opacity.

**New York State Department of Environmental Conservation**

**Permit ID: 7-5032-00019/00016**

**Facility DEC ID: 7503200019**



Compliance with the particulate matter limit in paragraph (1) shall be determined using stack testing conducted in accordance with a DEC-approved protocol, upon written notice from the DEC. Compliance with the opacity limit is paragraph (2) shall be determined in accordance with a DEC-approved protocol upon written notice from the DEC. Fugitive opacity emissions shall be conducted in accordance with 40 CFR 60.675(d); vent opacity emissions shall be conducted in accordance with 40 CFR 60.675(c)(3).

On a semi-annual basis, the owner or operator shall observe emissions from the building vent and also from all other openings in the buildings (such as windows and doors). If any visible emissions are detected, the owner or operator shall contact the DEC by telephone or via electronic mail within two business days of such occurrence.

Monitoring Frequency: SEMI-ANNUALLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2009.

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



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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 67: Contaminant List**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 67.1:**

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

CAS No: 007439-97-6  
Name: MERCURY



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 68: Unavoidable noncompliance and violations**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 68.1:**

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 69: Air pollution prohibited**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 69.1:**

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 70: Compliance Demonstration**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 70.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 70.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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



operation.

NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with NYCRR 237-5, 237-6, 237-7, and 237-9.

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

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

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

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

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 12 calendar month(s).

**Condition 71: Recordkeeping and Reporting Requirements**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 71.1:**

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

- 1) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth



of the statements in the account certificate of representation, in accordance with NYCRR 237-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.

2) All emissions monitoring information, in accordance with NYCRR 237-8.

3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the ADR NOx Budget Trading Program.

4) Copies of all documents used to complete a NOx budget permit application and any other submission under the ADR NOx Budget Trading Program or to demonstrate compliance with the requirements of the ADR NOx Budget Trading Program.

The NOx authorized account representative of a NOx budget source and each NOx budget unit at the source shall submit the reports and compliance certifications required under the ADR NOx Budget Trading Program, including those under NYCRR 237-4, 237-8, or 237-9.

**Condition 72: Authorization and responsibilities of the NOx authorized account representative to be included in existing permits.**

**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement: 6 NYCRR Subpart 237-2**

**Item 72.1: Except as provided under NYCRR 237-2.2, each NOx budget source, including all NOx budget units at the source, shall have one and only one NOx authorized account representative, with regard to all matters under the Acid Deposition Reduction (ADR) NOx Budget Trading Program concerning the source or any NOx budget unit at the source.**

The NOx authorized account representative of the NOx budget source shall be selected by an agreement binding on the owners and operators of the source and all NOx budget units at the source.

Upon receipt by the department or its agent of a complete account certificate of representation under NYCRR 237-2.4, the NOx authorized account representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the NOx budget source represented and each NOx budget unit at the source in all matters pertaining to the ADR NOx Budget Trading Program, notwithstanding any agreement between the NOx authorized account representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the NOx authorized account representative by the department or a court regarding the source or unit.

Each submission under the ADR NOx Budget Trading Program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my



knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

**Condition 73: Compliance Demonstration**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement:6 NYCRR 237-4.1**

**Item 73.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 73.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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



237-6.5(f)(2); and

(5) the compliance certification under NYCRR 237-4(c).

In the compliance certification report the NO<sub>x</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> budget units at the source in compliance with the Acid Deposition Reduction (ADR) NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the ADR NO<sub>x</sub> Budget Trading Program applicable to the unit, including:

(a) whether the unit was operated in compliance with the NO<sub>x</sub> budget emissions limitation;

(b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with NYCRR 237-8;

(c) whether all the NO<sub>x</sub> emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with NYCRR 237-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

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

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

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by September 30th



**Condition 74: Submission of NO<sub>x</sub> allowance transfers**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 74.1:**

The NO<sub>x</sub> authorized account representatives seeking recordation of a NO<sub>x</sub> allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the NO<sub>x</sub> allowance transfer shall include the following elements in a format specified by the department or its agent:

- (a) the numbers identifying both the transferor and transferee accounts;
- (b) a specification by serial number of each NO<sub>x</sub> allowance to be transferred; and
- (c) the printed name and signature of the NO<sub>x</sub> authorized account representative of the transferor account and the date signed.

**Condition 75: Compliance Demonstration**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 75.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 75.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

SO<sub>2</sub> allowances shall be held in, deducted from, or transferred among SO<sub>2</sub> Allowance Tracking System accounts



in accordance with NYCRR 238-5, 238-6, and 238-7.

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

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

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

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

Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 12 calendar month(s).

**Condition 76: Record keeping and Reporting Requirements  
Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 76.1:**

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

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



certificate of representation changing the SO2 authorized account representative;

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

Copies of all reports, compliance certifications, and other submissions and all records made or required under the ADR SO2 Budget Trading Program;

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

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

**Condition 77: Submissions to the Department  
Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 77.1:**

Each submission under the Acid Deposition Reduction (ADR) SO2 Budget Trading Program shall be submitted, signed, and certified by the SO2 authorized account representative for each SO2 budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO2 authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO2 budget sources or SO2 budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

**Condition 78: Compliance Demonstration  
Effective between the dates of 10/15/2008 and 10/14/2013**

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

**Item 78.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 78.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO2 budget units at a source are subject to the SO2 budget emissions limitation, the SO2 authorized account representative of



the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

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

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

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

- (a) whether the unit was operated in compliance with the SO<sub>2</sub> budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has



been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO<sub>2</sub> emissions to the unit, in accordance with Subpart 238-8;

(c) whether all the SO<sub>2</sub> emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 238-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(d) whether the facts that form the basis for certification under Subpart 238-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 238-8, if any, has changed; and

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by March 1st

**Condition 79: Submission of SO<sub>2</sub> allowance transfers**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement:6 NYCRR 238-7.1**

**Item 79.1:**

The SO<sub>2</sub> authorized account representatives seeking recordation of an SO<sub>2</sub> allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO<sub>2</sub> allowance transfer shall include the following elements in a format specified by the department or its agent:

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

(b) a specification by serial number of each SO<sub>2</sub> allowance to be transferred; and





2. The owners and operators of this MRP facility shall comply with the monitoring, reporting and record keeping requirements of 6 NYCRR 246.7 through 246.13.
3. Compliance shall be determined using the procedures in 6 NYCRR 246.7-246.13.
4. On a calendar quarterly basis, the owner or operator shall submit to the DEC and the EPA a report of mercury emissions. Such report shall be submitted electronically in a format prescribed by the DEC and the EPA.
5. Each quarterly report shall include the following statements: "The monitoring data submitted were recorded in accordance with the applicable requirements of 6 NYCRR 246.7 through 246.13 and 40 CFR Part 75, including the quality assurance procedures and specifications; and "Data are substituted in accordance with 40 CFR 75.34(a)(1) for all hours where mercury data are substituted for a unit with add-on mercury emission controls ( a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system). "The mercury add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR 75 Appendix B; " or "With regard to a flue gas desulfurization system or a selective catalytic reduction system, the quality-assured SO<sub>2</sub> emission data (recorded in accordance with 40 CFR Part 75) document that the flue gas desulfurization system was operating properly, or the quality-assured NO<sub>x</sub> emission data recorded in accordance with 40 CFR Part 75 document that the selective catalytic reduction system was operating properly," and "The substituted data values do not systematically underestimate mercury emissions."

The first report is due April 30, 2009 for the period January 1, 2009 to March 31, 2009.

**Condition 83: Compliance Demonstration**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement:6 NYCRR 246.5 (b)**

**Item 83.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 007439-97-6      MERCURY

**Item 83.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility-wide emission limit below is from Table 1 of 6NYCRR Part 246.5(a) and represents the allowable mercury emissions for each Mercury Reduction Program (MRP) facility for the control periods in 2010 through 2014.

The sum of mass mercury emissions (in pounds) from each applicable existing MRP unit at a MRP facility identified in Table 1 shall not exceed the facility-wide mercury



emission limitation (in pounds per year) set forth in Table 1.

Upper Permit Limit: 73.0 pounds  
Monitoring Frequency: CONTINUOUS  
Averaging Method: 12-month total, rolled monthly  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 84: Mercury Emission Limit 2015**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement: 6 NYCRR 246.6**

**Item 84.1:**

1. For the period commencing January 1, 2015 and thereafter, the owner or operator of this Mercury Reduction Program facility shall not cause or allow emissions of mercury from any MRP facility to exceed 0.6 pounds per trillion Btu in any 30 day rolling period (rolled daily).
2. The owners and operators of this MRP facility shall comply with the monitoring, reporting and record keeping requirements of 6 NYCRR 246.7 through 246.13.
3. Compliance shall be determined using the procedures in 6 NYCRR 246.7-246.13.
4. If compliance is demonstrated on a facility-wide basis, compliance shall be based on a BTU-weighted average subject to a plan approved by the DEC.
5. On a calendar quarterly basis, the owner or operator shall submit to the DEC and the EPA a report of mercury emissions. Such report shall be submitted electronically in a format prescribed by the DEC and the EPA.
6. Each quarterly report shall include the following statements: "The monitoring data submitted were recorded in accordance with the applicable requirements of 6 NYCRR 246.7 through 246.13 and 40 CFR Part 75, including the quality assurance procedures and specifications; and  
"Data are substituted in accordance with 40 CFR 75.34(a)(1) for all hours where mercury data are substituted for a unit with add-on mercury emission controls ( a flue gas desulfurization system, a selective catalytic reduction system, or a compact hybrid particulate collector system).  
"The mercury add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR 75 Appendix B; " or  
"With regard to a flue gas desulfurization system or a selective catalytic reduction system, the quality-assured SO<sub>2</sub> emission data (recorded in accordance with 40 CFR Part 75) document that the flue gas desulfurization system was operating properly, or the quality-assured NO<sub>x</sub> emission data recorded in accordance with 40 CFR Part 75 document that the selective catalytic reduction system was operating properly," and  
"The substituted data values do not systematically underestimate mercury emissions."





Effective between the dates of 10/15/2008 and 10/14/2013

Applicable State Requirement:6 NYCRR 246.8 (c) (2)

**Item 87.1:**

Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 40 CFR 75.15, that may significantly affect the ability of the system to accurately measure or record Hg mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or 40 CFR 75 Appendix B, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20.

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 under 40 CFR 75.15, whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20. 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.

**Condition 88: Missing Data Procedures**

Effective between the dates of 10/15/2008 and 10/14/2013

Applicable State Requirement:6 NYCRR 246.9

**Item 88.1:**

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 missing data procedures of 40 CFR Part 75, Subpart D.

**Condition 89: Compliance Demonstration**

Effective between the dates of 10/15/2008 and 10/14/2013

Applicable State Requirement:6 NYCRR 246.11 (a)

**Item 89.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 89.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of a Mercury Reduction Program (MRP) facility shall comply with all record keeping requirements in 6NYCRR Part 246.11 and the applicable record keeping requirements of 40 CFR 75.84(a) through (c).





DESCRIPTION  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 92: Compliance Demonstration**  
**Effective between the dates of 10/15/2008 and 10/14/2013**

**Applicable State Requirement: 6 NYCRR 246.11 (d)**

**Item 92.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 007439-97-6 MERCURY

**Item 92.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of a Mercury Reduction Program (MRP) facility that commences commercial operation before July 1, 2008 shall submit quarterly reports, as follows:

(1) Report the mercury mass emissions data and heat input data for the MRP unit, in an electronic quarterly report in a format prescribed by the department and the Administrator, for each calendar quarter beginning with January 1, 2009 through March 31, 2009.

(2) Submit each quarterly report to the department and 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 75.84(f).

(3) For MRP units that are also subject to an Acid Rain emissions limitation or the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, or CAIR NO<sub>x</sub> Ozone Season Trading Program, quarterly reports shall include the applicable data and information required by 40 CFR 75 Subparts F through H as applicable, in addition to the mercury mass emission data, heat input data, and other information required by sections 246.7 through 246.13 of this Part.

Monitoring Frequency: CONTINUOUS  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 3 calendar month(s).

**Condition 93: Compliance Demonstration**



Effective between the dates of 10/15/2008 and 10/14/2013

Applicable State Requirement: 6 NYCRR 246.11 (e)

**Item 93.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 007439-97-6 MERCURY

**Item 93.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners or operators of a Mercury Reduction Program (MRP) facility shall submit to the department and 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. The certification shall state that:

(1) The monitoring data submitted were recorded in accordance with the applicable requirements of sections 246.7 through 246.13 of 6NYCRR Part 246, and 40 CFR Part 75, including the quality assurance procedures and specifications; and

(2) data are substituted in accordance with 40 CFR 75.34(a)(1) for all hours where mercury data are substituted for a unit with add-on mercury emission controls.

(i) (a) The mercury add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR 75 Appendix B; or

(b) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO<sub>2</sub> emission data recorded in accordance with 40 CFR Part 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO<sub>x</sub> emission data recorded in accordance with 40 CFR Part 75 document that the selective catalytic reduction system, was operating properly, as applicable, and

(ii) The substitute data values do not systematically underestimate mercury emissions.



Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2009.  
Subsequent reports are due every 3 calendar month(s).

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

**Condition 94: Compliance Demonstration**  
Effective between the dates of 10/15/2008 and 10/14/2013

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

**Item 94.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: M-00001

**Item 94.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each period of operation which opacity in excess of the limits prescribed in 6 NYCRR 227-1.3 that occur during startup, shutdown, maintenance or malfunction, the facility shall notify the DEC of the date and time of the excess opacity within two working days of such occurrence.

Within 30 business days of such excess opacity, the facility shall submit in writing to the DEC the following information:

1. The date, time and magnitude of the excess opacity;
2. The fuel being combusted, the generator load and the ESP fields that were operating;
3. A statement clearly describing whether the excess opacity was unavoidable.

At the discretion of the DEC, periods of excess opacity reported above may be excused from enforcement action if the DEC determines the violations are unavoidable..

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**Condition 95: Compliance Demonstration**  
Effective between the dates of 10/15/2008 and 10/14/2013

**Applicable State Requirement: 6 NYCRR 246.8 (c) (3)**

**Item 95.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: M-00001

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

**Item 95.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Notification of certification. The owner or operator of the Mercury Reduction Program (MRP) facility shall submit to the department, the EPA Region 2 Regional Office, and the Administrator written notice of the dates of certification testing, in accordance with section 246.10 which refers to 40 CFR Part 75.61. The notifications shall be made not later than 21 days prior to the first scheduled day of certification or recertification testing as required by 75.61(a)(1)(i).

Certification application. The owner or operator of a MRP facility shall submit to the department a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63 and shall be submitted to the department within 45 days after completing all initial certification or recertification tests required under section 246.8 of this Part, including the information required under 40 CFR 75.63.

Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under the Mercury Reduction Program for a period not to exceed 120 days after receipt by the department of the complete certification application for the monitoring system under subparagraph 246.8(c)(3)(ii). Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR Part 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the department does not

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invalidate the provisional certification by issuing a notice of disapproval within 120 days of the date of receipt of the complete certification application by the department.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

