

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9043600022**



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-0436-00022/00005  
Effective Date: 05/11/2004 Expiration Date: 05/11/2009

Permit Issued To: LAIDLAW ENERGY & ENVIRONMENTAL INC  
6662 ROUTE 219  
PO BOX 500  
ELLCOTTVILLE, NY 14731-0500

Contact: RICHARD E MORRICAL  
PO BOX 121  
OXFORD, MD 21654-0121  
(410) 226-5498

Facility: LAIDLAW ENERGY AND ENVIRONMENTAL INC  
6662 ROUTE 219  
ELLCOTTVILLE, NY 14731-0500

Contact: RODNEY GOODE  
LAIDLAW ENERGY AND ENVIRONMENTAL  
PO BOX 500  
ELLCOTTVILLE, NY 14731-0500  
(716) 699-2425

Description:  
**LAIDLAW ENERGY AND ENVIRONMENTAL INC**  
**Title V Permit renewal #1**

This is the first renewal of the Title V air permit for Laidlaw Energy and Environment Inc. Laidlaw operates a 4.2 megawatt co-generation facility. The primary generation unit consists of an Allison 501 KB natural gas fired turbine - generator set (emission unit U-00001, process 001, emission point 00001, emission source 00001), waste heat steam generator (boiler) and steam turbine - generator set. The exhaust gases from the combustion gas turbine, pass through the waste heat steam generator, and then enters the kilns to dry lumber. No other lumber operations are done on the property. The plant can generate about 4.2 megawatts of power, excluding house load. It has a 30 year contract to sell up to 3.79 MW of electricity to the Niagara Mohawk Power Company grid. The turbine is subject to the requirements of the New Source Performance Standards for Stationary Gas Turbines, 40 CFR Part 60, subpart GG.

The other electrical generation system consists of a natural gas fired Caterpillar engine, CAT 4, generator set rated at 450 kW (emission unit U-00002, process 002, emission point 00002 & 00003, emission source 00002). The engine exhaust is split and emitted through two emission points. Waste heat from



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9043600022**

the engine is used to dry wood in a dedicated kiln in a closed loop system. A 4.18 mmBtu/hr natural gas boiler is used to supplement the heat content of this system if necessary. This boiler is exempt from permitting because it is less than 10 mmBtu/hr, according to 6NYCRR 201-3.2(c)(1).

The facility also has an emergency generator, another natural gas fired Caterpillar engine, CAT 3, generator set rated at 450kW. This is exempt from permitting provided it does not operate more than 500 hours per calendar year, according to 6NYCRR Part 201-3.2(c)(6).

Periodically the turbine and the CAT 4 engine exhausts are tested for emissions of Oxides of Nitrogen (NO<sub>x</sub>). The turbine results are used to evaluate compliance with the NO<sub>x</sub> emission limits in subpart GG, and results from both are used to calculate annual NO<sub>x</sub> emissions. Visible emission observations are made to verify compliance with opacity requirements, when necessary.

When the initial Title V permit application was submitted U.S. Carbon Corporation was located on the same property and was required to obtain a Title V permit, due to the applicability of 40 CFR Subpart RRR, "Standards of Performance for Volatile Organic Compound Emissions from Synthetic Organic Chemicals Manufacturing Industry Reactor Process." Because the former Ellicottville Energy (now Laidlaw Energy and Environment) was on the same property, it too was required to obtain a Title V permit. U.S. Carbon Corporation ceased operation in 1999 and removed its equipment from the site. Laidlaw Energy's emissions are below the threshold levels for Title V applicability, and since U.S. Carbon is no longer operating Laidlaw Energy is not required to have a Title V permit, but has elected to keep a Title V permit.

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:           DAVID S DENK  
  DIVISION OF ENVIRONMENTAL PERMITS  
  270 MICHIGAN AVE  
  BUFFALO, NY 14203-2999

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



**Notification of Other State Permittee Obligations**

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 9  
HEADQUARTERS

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9043600022**



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.



**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 and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**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,



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9043600022**

regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6NYCRR 621.5(a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
(716) 851-7165



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

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

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

**IDENTIFICATION INFORMATION**

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6662 ROUTE 219

PO BOX 500

ELLCOTTVILLE, NY 14731-0500

Facility:

LAIDLAW ENERGY AND ENVIRONMENTAL INC

6662 ROUTE 219

ELLCOTTVILLE, NY 14731-0500

Authorized Activity By Standard Industrial Classification Code:

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



**LIST OF CONDITIONS**

**FEDERALLY ENFORCEABLE CONDITIONS**

**Facility Level**

1 6NYCRR 201-6: Emission Unit Definition

g of compliance monitoring

3 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.

4 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification

5 6NYCRR 201-6.5(e): Compliance Certification

6 6NYCRR 202-2.1: Compliance Certification

7 6NYCRR 202-2.5: Recordkeeping requirements

8 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.

9 40CFR 68: Accidental release provisions.

10 40CFR 82, Subpart F: Recycling and Emissions Reduction

**Emission Unit Level**

11 6NYCRR 201-6: Emission Point Definition By Emission Unit

12 6NYCRR 201-6: Process Definition By Emission Unit

**EU=U-00001**

13 6NYCRR 227-1.3(a): Compliance Certification

14 40CFR 60.4, NSPS Subpart A: Duplicate copies of all correspondence must be sent to the Region 9 office.

15 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.

**EU=U-00001,Proc=001**

16 40CFR 60.332(a)(2), NSPS Subpart GG: Compliance Certification

17 40CFR 60.332(a)(2), NSPS Subpart GG: Compliance Certification

18 40CFR 60.333(b), NSPS Subpart GG: Compliance Certification

19 40CFR 60.334(b)(2), NSPS Subpart GG: Compliance Certification

20 40CFR 60.334(c)(2), NSPS Subpart GG: Compliance Certification

21 40CFR 60.335(c)(1), NSPS Subpart GG: Nitrogen oxides emission rate calculation

22 40CFR 60.335(c)(3), NSPS Subpart GG: Use of Method 20 for determining NO<sub>x</sub> and SO<sub>2</sub>

23 40CFR 60.335(d), NSPS Subpart GG: Methods for determining compliance with the sulfur content standard

24 40CFR 60.335(e), NSPS Subpart GG: Requirement for analysis of Nitrogen and Sulfur in fuel

**EU=U-00002**

25 6NYCRR 202-2.4(a): Compliance Certification

26 6NYCRR 227-1.3(a): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

27 ECL 19-0301: Contaminant List

28 6NYCRR 201-1.4: Unavoidable noncompliance and violations

29 6NYCRR 211.2: Air pollution prohibited

2421 - SAWMILLS & PLANING MILLS GENERAL

**New York State Department of Environmental Conservation**  
**Permit ID: 9-0436-00022/00005      Facility DEC ID: 9043600022**



4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date: 05/11/2004

Permit Expiration Date: 05/11/2009



**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

Full compliance certification

requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

**Item A:**

**Sealing - 6NYCRR Part 200.5**

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

**Item B:**

**Acceptable Ambient Air Quality - 6NYCRR Part 200.6**

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.

**Item C:**

**Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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.

**Item D: Unpermitted Emission Sources - 6NYCRR Part 201-1.2**

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

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

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

**Item E: Emergency Defense - 6NYCRR Part 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



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

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 F: Recycling and Salvage - 6NYCRR Part 201-1.7**

Where practical, any person who owns or operates an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of 6 NYCRR.

**Item G: Prohibition of Reintroduction of Collected Contaminants to the Air - 6NYCRR Part 201-1.8**

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.

**Item H: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 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 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

**Item I: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR Part 201-3.2(a)**

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

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



requirements, regulations, or law.

**Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)**

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

**Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 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 L: Certification by a Responsible Official - 6 NYCRR Part 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 M: Requirement to Comply With All Conditions - 6 NYCRR Part 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 N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission**

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



**Requirements - 6 NYCRR Part 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 O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)**

The permittee 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. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

**Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 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 Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)**

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

**Item R: Fees - 6 NYCRR Part 201-6.5(a)(7)**

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

**Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)**

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



facility 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 facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

**Item T: Severability - 6 NYCRR Part 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 U: Progress Reports and Compliance Schedules - 6 NYCRR Part 201-6.5(d)(5)**

Progress reports consistent with an applicable schedule of compliance must be submitted at least semiannually on a calendar year basis, or at a more frequent period if specified in the applicable requirement or by the Department elsewhere in this permit. These reports shall be submitted to the Department within 30 days after the end of a reporting period. 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.

**Item V: Off Permit Changes - 6 NYCRR Part 201-6.5(f)(6)**

No permit revision will be required for operating changes that contravene an express permit term, provided that such

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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 provisions 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 in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

**Item W: Permit Shield - 6 NYCRR Part 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

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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 X: Reopening for Cause - 6 NYCRR Part 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

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



a shorter time period in the case of an emergency.

**Item Y: Required Emission Tests - 6 NYCRR Part 202-1.1**

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

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**

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.

**Item AA: Open Fires - 6 NYCRR Part 215**

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

**Item BB: 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 CC: Federally Enforceable Requirements - 40 CFR 70.6(b)**

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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.

**FEDERAL APPLICABLE REQUIREMENTS**

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

**Condition 1: Emission Unit Definition**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 1.1:**

der this permit for:

Emission Unit: U-00001

Emission Unit Description:

This emission unit includes an Allison 501 KB combustion gas turbine generator set firing natural gas fuel, and a heat recovery steam generator (HRSG) that supplies steam to a steam turbine generator. After the HRSG the hot exhaust gases are used to dry lumber in kilns. See process 001 for more details.

Building(s): 001

**Item 1.2:**

der this permit for:

Emission Unit: U-00002

Emission Unit Description:

A natural gas fired Caterpillar engine generator G398 (CAT 4) produces electricity for sale to the grid. The waste heat from the cooling jacket and exhaust is recovered and used in the new wood drying kiln. See process 002 for more details.

Building(s): 001

**Condition 2: Recordkeeping and reporting of compliance monitoring**



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 2.1:**

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

g 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 3: Monitoring, Related Recordkeeping, and Reporting Requirements.**

**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 3.1:**

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 4: Compliance Certification**

**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 4.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 4.2:**

Compliance Certification shall include the following monitoring:

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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.

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



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



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

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

Monitoring Frequency: SEMI-ANNUALLY  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 6 calendar month(s).

**Condition 5: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**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:

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

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;
  - and
  - such additional requirements as may be specified elsewhere in this permit related to compliance certification.

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

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

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

The address for the RAPCE is as follows:

270 Michigan Avenue  
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

The initial report is due 1/30/2005.  
Subsequent reports are due on the same day each year

**Condition 6: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**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:

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 7: Recordkeeping requirements**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 7.1:**

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

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

mitted in the emission statement was  
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 8: EPA Region 2 address.**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 8.1:**

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

Air Pollution Control Permit Conditions

Renewal 1

Page 19 of 37 FINAL



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

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

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

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

**Condition 9: Accidental release provisions.  
Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 68**

**Item 9.1:**

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:

1) CFR Part 68 and;

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

1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,

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

USEPA Region 2  
Air Compliance Branch  
290 Broadway  
New York, NY 10007-1866  
ATTN: Accidental Release Program contact

**Condition 10: Recycling and Emissions Reduction  
Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 82, Subpart F**

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



**Item 10.1:**

of 40 CFR Part 82.

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

**Condition 11: Emission Point Definition By Emission Unit**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 11.1:**

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 20

Diameter (in.): 72

NYTMN (km.): 4688.02 NYTME (km.): 198.129 Building: 001

**Item 11.2:**

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 20

Diameter (in.): 8

NYTMN (km.): 4687.8 NYTME (km.): 198.1 Building: 001

Emission Point: 00003

Height (ft.): 20

Diameter (in.): 8

NYTMN (km.): 4687.8 NYTME (km.): 198.1 Building: 001

**Condition 12: Process Definition By Emission Unit**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 12.1:**

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

Emission Unit: U-00001

Process: 001

Source Classification Code: 2-01-002-01

Process Description:

This includes a natural gas fired Allison 501 KB combined cycle combustion gas turbine generator set. According to the manufacturer's rating, the peak heat input to the



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

turbine is 39.5 million Btu/hr and the corresponding output is 3.05 megawatts. Waste heat from the exhaust is recovered in a heat recovery steam generator (steam boiler). The steam powers a steam turbine generator set whose output is approximately 1.2 megawatts. About 0.5 megawatt is used by the facility for its operating needs. The plant has a 30 year contract with Niagara Mohawk Power Company, where it can sell up to 3.79 megawatts to the grid..

Additional waste heat from the gas turbine exhaust (after the waste heat boiler) is used for lumber drying in 6 kilns.

This turbine has been built to be fired only on natural gas. Any modification to the unit to have dual fuel (oil and gas) capability will require the approval of the Department.

Emission Source/Control: 00001 - Combustion  
Design Capacity: 39.5 million Btu per hour

**Item 12.2:**

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

Emission Unit: U-00002

Process: 002

Source Classification Code: 2-02-002-04

Process Description:

A Caterpillar G398 natural gas fired engine generator set (CAT 4, 640 hp) with a low compression ratio (LCR) supplements the plant's production of electricity (450 kW) and supplies heat to the new kilns. The water from engine cooling water jacket passes through two heat exchangers to recover waste heat from the exhaust. The exhaust pipe splits before the heat exchangers, goes through the heat exchangers in a parallel path and exhausts to the atmosphere through two emission points. If needed, additional heat is added to the cooling water on its way to the kilns by a natural gas fired boiler (4.18 mmBtu/hr, exempt from permitting). The water is circulated through closed loop heat exchangers in the new kiln. The cooler water is then returned to the engine and the cycle repeats. The lumber drying only requires a high level of heat in the early stages of the drying cycle. However, to be conservative the application is based on the engine operating all the time at full load.

Emission Source/Control: 00002 - Combustion

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



Design Capacity: 5.6 million Btu per hour

**Condition 13: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 13.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 13.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1) 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.
- 2) Excess opacity is not anticipated from this emission source due to the combustion of natural gas. However, during any combustion problem smoke may be created. Under such circumstances, the permittee shall observe the stack to determine whether any visible emissions are present. If visible emissions are observed, the permittee shall conduct an EPA Method 9 opacity evaluation and keep the results on site and report the results of the observation in the 6 month monitoring report. In the event an opacity exceedance occurs, the permittee shall report the results and the cause of the problem to the Department within 3 working days of the observation. If the problem is recurring and requires correction, the permittee shall be required to propose a program of correction for Department review.
- 3) The compliance status of this condition shall be reported in the semiannual compliance status report.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 14: Duplicate copies of all correspondence must be sent to the  
Region 9 office.**

**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 14.1:**

This Condition applies to Emission Unit: U-00001

**Item 14.2:**

All requests, reports, applications, and other communications to the administrator pursuant to this part shall be sent submitted in duplicate to the Region 9 NYS DEC office at the following address:

Division of Air Resources  
New York State Department of Environmental Conservation  
270 Michigan Avenue  
Buffalo, New York 14203

**Condition 15: Recordkeeping requirements.**

**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 15.1:**

This Condition applies to Emission Unit: U-00001

**Item 15.2:**

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

**Condition 16: Compliance Certification**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.332(a)(2), NSPS Subpart GG**

**Item 16.1:**

The Compliance Certification activity will be performed for:

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



Emission Unit: U-00001

Process: 001

Regulated Contaminant(s):

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

**Item 16.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) NO<sub>x</sub> stack emissions shall be tested weekly using a portable combustion analyzer. The results shall be logged and reports kept on site and available for Department review for a period of at least 5 years. Any exceedance shall be reported to the Department within 48 hours. Test results shall be submitted to the Department 30 days following each calendar quarter.
- 2.) The portable combustion analyzer shall be calibrated according to the manufactures recommended procedures. Records of each calibration shall be kept on site and made available for Department review upon request.
- 3.) Each test shall consist of 4 grab samples taken consecutively during a one hour period. Testing shall be taken during a period when the turbine is firing under normal operating conditions. The average of the 4 measurements shall be used for compliance screening.
- 4.) The emission limit according to 40 CFR 60.332(a), "Standard for Nitrogen Oxides", is 157 ppmv.
- 5.) The facility may request a sampling frequency modification in the event the weekly sampling results demonstrate substantial compliance with the NO<sub>x</sub> standard.

Upper Permit Limit: 157 parts per million by volume  
(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: Portable Analyzer

Monitoring Frequency: WEEKLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



The initial report is due 7/30/2004.  
Subsequent reports are due every 3 calendar month(s).

**Condition 17: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.332(a)(2), NSPS Subpart GG**

**Item 17.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 001

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

**Item 17.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) No owner or operator shall discharge to the atmosphere from a stationary gas turbine, emissions of nitrogen oxides in excess of the following:

$$\text{STD} = 0.0150 * [(14.4) / Y] + F$$

Where: STD = allowable nitrogen oxide emissions in percent volume at 15% excess oxygen on a dry basis,

Y = manufacturer's rated heat rate at manufacturer's rated peak load (kilojoules per watt hour) or the actual measured heat rate based on the lower heating value of the fuel as measured at actual peak load of the facility. The value of Y shall not exceed 14.4 kilojoules per watt hour,

F = nitrogen oxide emission allowance for fuel bound nitrogen:

Fuel bound nitrogen % by weight, where F equals NOx % by volume

$$N \leq 0.015 : F = 0$$

$$0.015 < N \leq 0.1 : 0.04(N)$$

$$0.1 < N \leq 0.25 : 0.004 + 0.0067(N - 0.1)$$

$$N > 0.25 : 0.005$$

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



2.) Using the manufacture's rated peak load, Y, of 13.73 kilojoules per watt hour, and a fuel bound nitrogen percent by weight, F, of 0 (zero) the nitrogen oxide emission limit is 157 ppmv NO<sub>x</sub> at 15% oxygen on a dry basis.

3.) EPA's October 20, 1999 custom fuel monitoring schedule for 40 CFR 60.334(b)(2) states that, "Monitoring of fuel nitrogen shall not be required while natural gas is the only fuel fired in the gas turbine." Since fuel nitrogen data is not required to be obtained, the Department took a conservative approach and assumed that there is no nitrogen in the fuel (which is not true), so N was  $\leq 0.015\%$ , making  $F = 0$ .

4.) NO<sub>x</sub> emission performance testing is required at least once during each 5 year permit term. The facility shall conform with the following:

a.) The facility shall submit a stack test protocol for Department review and approval by the end of the second permit year.

b.) The facility shall undertake stack sampling within 60 days of Department written approval of the stack test protocol.

c.) The facility shall submit a stack test report for Department review and approval within 60 days of completing the stack test.

d.) The stack testing shall conform with the requirements of 40 CFR 60.335, " Test Methods and Procedures".

Upper Permit Limit: 157 parts per million by volume  
(dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA Method 20

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 18: Compliance Certification**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.333(b), NSPS Subpart GG**

**Item 18.1:**

Air Pollution Control Permit Conditions

Renewal 1

Page 27 of 37 FINAL



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 001

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 18.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a stationary gas turbine subject to 40CFR60 Subpart GG shall burn in that turbine any fuel which contains sulfur in excess of 0.8 percent by weight. The owner or operator shall monitor sulfur content of the fuel being fired in the turbine according to the frequency specified in 40CFR60.334(b).

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.8 percent by weight

Reference Test Method: see 40 CFR 60.335(d)

Monitoring Frequency: AS REQUIRED - SEE MONITORING  
DESCRIPTION

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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

**Condition 19: Compliance Certification**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.334(b)(2), NSPS Subpart GG**

**Item 19.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Process: 001

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 19.2:**



Compliance Certification shall include the following monitoring:

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

**Monitoring Description:**

40 CFR 60.334(b)(2) requires that fuel fired in the combustion gas turbine be monitored daily for its sulfur content. However, the facility requested a variance from this requirement, and EPA granted a variance in an October 20, 1999 letter. The EPA approved custom fuel monitoring schedule states:

- 1.) "Analysis for fuel sulfur content of the natural gas shall be conducted using one of the approved ASTM reference methods for the measurement of sulfur in gaseous fuels, or an approved alternative method. These reference methods are located in 40 CFR 60.335(d)."
- 2.) "Effective the date of this custom schedule, sulfur monitoring shall be conducted twice monthly for a period of six months. If this monitoring shows little variability in the fuel sulfur content and indicates consistent compliance with 40 CFR 60.333, the fuel sulfur content shall be monitored quarterly for the next six quarters."
- 3.) "Upon completion of the six quarter monitoring period in Item 2, if the fuel sulfur content monitoring results show little variability and consistent compliance with 40 CFR 60.333, then fuel sulfur content shall be monitored semiannually. This semiannual monitoring shall be conducted during the first and third quarters of each calendar year."
- 4.) "Should any fuel sulfur monitoring, as required by Item 2 and 3 above, indicate noncompliance with 40 CFR 60.333, the owner or operator shall notify EPA and the New York State Department of Environmental Conservation (NYSDEC) within 15 calendar days of the occurrences(s). Fuel sulfur content monitoring shall be conducted weekly during the interim period while the custom schedule is being re-examined by EPA."
- 5.) "Records of sample analysis and fuel supply pertinent to this custom fuel monitoring schedule shall be retained for a period of five (5) years, and be available for inspection by personnel of federal, state, and local air pollution control agencies."

**New York State Department of Environmental Conservation**

Permit ID: 9-0436-00022/00005

Facility DEC ID: 9043600022



Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.8 percent by weight  
Reference Test Method: see 40 CFR 60.335(d)  
Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 3 calendar month(s).

**Condition 20: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.334(c)(2), NSPS Subpart GG**

**Item 20.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00001  
Process: 001

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

**Item 20.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

For the purposes of the excess emissions and monitoring system performance report require by 40 CFR 60.7(c), any period during which the sulfur content of the fuel being fired in the gas turbine exceeds 0.8 percent by weight, shall be reported as a period of excess emissions.

The fuel sulfur content shall be monitored according to the EPA special fuel monitoring schedule that is part of the permit condition for citation 40 CFR 60.334(b)(2).

Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.8 percent by weight  
Reference Test Method: see 40 CFR 60.335



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2004.  
Subsequent reports are due every 3 calendar month(s).

**Condition 21: Nitrogen oxides emission rate calculation**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.335(c)(1), NSPS Subpart GG**

**Item 21.1:**

This Condition applies to Emission Unit: U-00001  
Process: 001

**Item 21.2:**

The owner or operator shall determine compliance with the nitrogen oxide (NO<sub>x</sub>) standard using the following equation:

$$\text{NO}_x = (\text{NO}_{x0}) (\text{Pr}/\text{Po})^{0.5} e^{19(\text{Ho}-0.00633)} (288 \text{ degrees K}/\text{Ta})^{1.53}$$

Where:

NO<sub>x</sub> = emission rate of NO<sub>x</sub> at 15 % O<sub>2</sub> and ISO standard ambient conditions, volume percent.

NO<sub>x0</sub> = observed NO<sub>x</sub> concentration, ppm by volume.

Pr = reference combustor inlet absolute pressure at 101.3 kilopascals ambient pressure, mm Hg.

Po = observed combustor inlet absolute pressure at test, mm Hg.

Ho = observed humidity of ambient air, g H<sub>2</sub>O/g air.

e = 2.718

Ta = ambient temperature, degrees K.

**Condition 22: Use of Method 20 for determining NO<sub>x</sub> and SO<sub>2</sub>**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.335(c)(3), NSPS Subpart GG**

**Item 22.1:**

This Condition applies to Emission Unit: U-00001  
Process: 001

**Item 22.2:**

Method 20 shall be used for determining the nitrogen oxide, sulfur dioxide, and oxygen concentrations. The span values shall be 300 ppm of nitrogen oxide and 21 percent oxygen. The NO<sub>x</sub> emissions shall be determined at each of the following loads; 30, 50, 75, and 100 percent.



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

**Condition 23: Methods for determining compliance with the sulfur content standard**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.335(d), NSPS Subpart GG**

**Item 23.1:**

This Condition applies to Emission Unit: U-00001  
Process: 001

**Item 23.2:**

The owner or operator shall determine compliance with the sulfur content standard in 40 CFR 60.333(b) as follows:

for liquid fuels use ASTM D 2880-71, 78, or 96, and

for gaseous fuels use ASTM D 1072-80 or 90 (reapproved 1994), D 3031-81, D 4084-82 or 94, or D 3246-81, 92, or 96 (incorporated by reference see 40 CFR 60.17).

**Condition 24: Requirement for analysis of Nitrogen and Sulfur in fuel**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 40CFR 60.335(e), NSPS Subpart GG**

**Item 24.1:**

This Condition applies to Emission Unit: U-00001  
Process: 001

**Item 24.2:**

To meet the requirements 40 CFR 60.334(b), the owner or operator shall use methods specified in 40 CFR 60.335(a) and (d) to determine the nitrogen and sulfur content of fuels being burned. The analysis may be performed by the owner or operator, a service contractor, the fuel vendor, or any qualified agency.

**Condition 25: Compliance Certification**

**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable Federal Requirement: 6NYCRR 202-2.4(a)**

**Item 25.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) NO<sub>x</sub> stack emissions shall be tested weekly using a

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



portable combustion analyzer. The results shall be logged and reports kept on site and available for Department review for a period of at least 5 years. Test results shall be submitted to the Department 30 days following each calendar quarter.

2.) The portable combustion analyzer shall be calibrated according to the manufactures recommended procedures. Records of each calibration shall be kept on site and made available for Department review upon request.

3.) Each test shall consist of four (4) grab samples taken consecutively during a one hour period. The test shall be conducted when the engine is operating under normal operating conditions. The average of the four (4) measurements shall be used to calculate the hourly and annual emissions from the unit.

4.) The facility may request a sampling frequency modification in the event the weekly sampling results are consistently similar.

5) The calculated annual emissions shall be reported annually as part of the annual emission statement.

Monitoring Frequency: WEEKLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2005.  
Subsequent reports are due every 12 calendar month(s).

**Condition 26: Compliance Certification**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 26.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

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

**Item 26.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**



**DEVICE PARAMETERS AS SURROGATE**

**Monitoring Description:**

- 1) 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.
  
- 2) Excess opacity is not anticipated from this emission source due to the combustion of natural gas. However, during any combustion problem smoke may be created. Under such circumstances, the permittee shall observe the stack to determine whether any visible emissions are present. If visible emissions are observed, the permittee shall conduct an EPA Method 9 opacity evaluation and keep the results on site and report the results of the observation in the 6 month monitoring report. In the event an opacity exceedance occurs, the permittee shall report the results and the cause of the problem to the Department within 3 working days of the observation. If the problem is recurring and requires correction, the permittee shall be required to propose a program of correction for Department review.
  
- 3) The compliance status of this condition shall be reported in the semiannual compliance status report.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: AS REQUIRED - SEE MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2004.

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**

are not subject to annual

**compliance certification requirements for Title V permits.**

**Condition 27: Contaminant List**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 27.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this (monitoring conditions).



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

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

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

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

**Condition 28: Unavoidable noncompliance and violations**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

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

**Item 28.1:**

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.



**New York State Department of Environmental Conservation**

**Permit ID: 9-0436-00022/00005**

**Facility DEC ID: 9043600022**

(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 29: Air pollution prohibited**  
**Effective between the dates of 05/11/2004 and 05/11/2009**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 29.1:**

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.