

**New York State Department of Environmental Conservation
Facility DEC ID: 9060300021**



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

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-0603-00021/00030
Mod 0 Effective Date: 10/31/2001 Expiration Date: 10/31/2006
Mod 1 Effective Date: 04/11/2005 Expiration Date: 10/31/2006
Mod 2 Effective Date: 08/10/2004 Expiration Date: No expiration date.

Permit Issued To: DUNKIRK POWER LLC
901 MARQUETTE AVE STE 2300
MINNEAPOLIS, MN 55402-3265

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

Facility: DUNKIRK STEAM GENERATING STATION
106 POINT DR NORTH
DUNKIRK, NY 14048

Contact: ROBERT J BROMBOS
NRG DUNKIRK OPERATIONS INC
106 POINT DRIVE NORTH
DUNKIRK, NY 14048
(716) 673-6343

Description: Dunkirk Steam Generating Station

The Dunkirk Steam Generating Station is located on the shore of Lake Erie, in the City of Dunkirk, Chautauqua County, NY. This is an electric utility which can produce a total of 600 megawatts of electricity during maximum production. The electrical generating facility consists of four pulverized coal, dry-bottom, tangential-fired boilers that primarily fire bituminous coal, and fire distillate oil during startup. This permit action reflects changes due to permit modification 1.

Modification (MOD) 2 Description:

The permittee submitted a permit application on July 21, 2004 to install an additional coal reclaim hopper at the coal storage pile and a bypass coal conveyor. The Department determined that this project did not meet the definition of a modification in 6NYCRR Part 201, so it notified the permittee in an August 10,

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2004 letter that it did not have jurisdiction to act on the application. Therefore, no permit was issued. MOD 2 is listed on the above permit page for historical purposes, to show that an application was received and processed. Since no permit was issued, MOD 2 is not listed on the cover page of the attached air portion of the permit.

Modification (MOD) 1 Description:

The Environmental Protection Agency's (EPA) Region 2 office sent a letter dated August 11, 2003 which included a July 31, 2003 Order in response to a petition submitted by the New York Public Interest Research Group (NYPIRG) that requested the EPA object to the issuance of the Dunkirk Steam Generating Station (Dunkirk) Title V permit that was issued on October 31, 2001. The July 31, 2003 EPA Order granted in part and denied in part the NYPIRG petition. The Order responded to each issue petition and ordered the Department to reopen the permit to address each issue that the petition was granted. EPA sent a September 4, 2003 letter, which was a follow up letter to the Order, and required a few other issues be addressed when the permit was reopened.

In addition, the permit was modified to expire conditions for the 'Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program' (6NYCRR 227-3), and add conditions for the 'NOx Budget Trading Program' (6NYCRR Part 204). A description error was corrected in the solid fuel sulfur limits from citation 6NYCRR 225-1.2(a)(2), and the particulate limits from the boiler stacks was corrected per 6NYCRR Part 227-1.2(a)(4). Conditions from the Acid Deposition Reduction NOx (6NYCRR 237) and SO2 (6NYCRR 238) Budget Trading Programs were added. The permit modifications are discussed below. The permit is also described in the Permit Review Report (PRR) which is a separate document.

The following changes were made to the permit as required by the EPA Order and EPA's Follow-up letter to the Order:

A.) The final excess opacity Consent Order includes a Compliance Schedule - Opacity Reduction Program in an Appendix. This Program was added to the permit, and requires the facility to keep Opacity Incident Reports (OIR) to document operating parameters of the boilers and ESPs during an excess opacity event, along with the corrective actions associated with the excess opacity event. A Root Cause Analysis and Corrective Action Report must be submitted annually to identify problems and how they will be corrected, and semi-annual progress reports must be submitted. The excess opacity Consent Order is attached to this permit as an appendix.

B.) The annual compliance certification condition was replaced with the most current condition for citation 6 NYCRR § 201-6.5(e), so the facility will certify compliance with all terms and conditions of its permit.

C.) The 6NYCRR 201-1.4 "excuse provision" condition was moved from the federal side of the permit to the state side. A condition was added, 6 NYCRR 201-6.5(c)(3)(ii), which does not allow the state to excuse federal violations, unless the federal regulation specifically provides for an affirmative defense.

D.) The 2.0 percent sulfur in fuel oil limit that is included in the state implementation plan (SIP), 6NYCRR 225-1, was added to the federally enforceable side of the permit. The more restrictive 1.5 percent sulfur in fuel oil limit that is not in the SIP, 6NYCRR 225-1, was left on the state enforceable side of the permit.

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E.) The quantity of wastewater treatment plant sludge that can be disposed on the coal pile for burning was changed from 12 tons per week back to 10 tons per week, to match the September 25, 1995 special conditions letter associated with previous air permits, Air 100's. This is at a facility level citation of 6NYCRR 227-1.2(a)(4).

F.) Permit condition 37, which required the monitoring of operating parameters of the electrostatic precipitators (ESPs) was replaced with a similar condition that sets an action level based on the average primary or secondary voltage for each ESP. If the average ESP voltage drops below the value in the permit, than the facility must notify the department of the suspected problem, and the planned corrective action and completion date. If the minimum voltages can not be established again a particulate emission stack test must be completed to determine the compliance status of particulate emission limit for that unit. The voltages must be recorded continuously where available, and multiple times a shift otherwise.

G.) The particulate emission rate conditions for the three boiler stacks were replaced with similar conditions as Ordered by EPA, and to correct the particulate emission limits per 6NYCRR Part 227-1.2(a)(4). As addressed above in the EPA Order, the stack testing frequency was changed from once a permit term, to every 12 months. A paragraph was added to describe how the particulate limit was calculated. The particulate limit for emission units U-00001 and U-00002 was corrected from 0.23 to 0.22 lbs/mmBtu, based on a maximum heat input of 922 mmBtu/hr. The particulate limit for emission unit U-00003 was corrected from 0.17 to 0.16 lbs/mmBtu, based on a maximum heat input of 3672 mmBtu/hr. Emission source S0003 (boiler 3) and emission source S0004 (boiler 4), each rated at 1836 mmBtu/hr, exhaust to the common stack in emission unit U-00003.

H.) The facility perviously had air permits for a lime silo vent at the waste water treatment plant, and a spray paint booth. Both of these sources became exempt from permitting when 6NYCRR Part 201 (Permits and Registrations) was revised in 1996. The lime silo vents through a bag filter and is now exempt from permitting per 6NYCRR 201-3.2(c)(27). Like wise, hand held aerosol spray cans are used to paint small metal objects in the maintenance shop, which qualifies as a trivial source per 6NYCRR 201-3.3(c)(45), and does not require a permit.

When the permit was issued in 2001 there were two unresolved enforcement actions against the Dunkirk Station. First, the Excess Opacity case was resolved in March 2004 when a Consent Order was signed by both parties. The 'Opacity Reduction Program.' from the Consent Order was added to the permit. However, the second case that alleged violations of the Prevention of Significant Deterioration (PSD) program, is still being negotiated and is in the court system. The Department alleged that the facility made modifications which were subject to 40 CFR 52.21, PSD, without first making proper permit applications and being issued the appropriate permits.

The 6NYCRR 204 (NOx Budget Trading Program) regulations were added to the permit, and supercede the conditions for 6NYCRR 227-3 (Pre-2003 Nitrogen Oxides Emissions Budget and Allowance Program). Part 204 reduces the NOx emissions during the ozone season, May 1 through September 30, with an allocation system. Part 204 does not significantly change the NOx emission monitoring, recording or reporting requirements from Part 227-3. The Acid Deposition Reduction NOx Budget Trading Program (6NYCRR 237) became effective October 1, 2004 and reduces NOx emissions during the non-ozone season, October 1 through April 30, with an allocation system. The Acid Deposition Reduction SO2 Budget Trading Program (6NYCRR 238) becomes effective January 1, 2005 and



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reduces SO₂ emissions all year with an allocation system.

The existing sulfur in solid fuel conditions from citation 6NYCRR 225-1.2(a)(2) were replaced with similar conditions. The limits were not changed. However, item 2 was changed in each condition to correct the 'annual average' phrase to the appropriate 'daily 24 hour average', and '3 month average' phrases for the equivalent sulfur dioxide emission rate. In addition, the due date for the quarterly excess opacity reports was changed from 30 days to 60 days to match the reporting requirement in 6NYCRR 227-1.4(b) of 60 days.

Modification 0 Description (permit issued on October 31, 2003):

Byway of background, On June 11, 1999 the station was sold by Niagara Mohawk Power Company to Dunkirk Power LLC, however NRG Dunkirk Operations Inc. operates the plant. Dunkirk Power LLC is owned by NRG Northeast Generating LLC, which is owned by NRG Energy, Inc. of Minneapolis, Minnesota.

A stationary source is defined as a major source and required to obtain a Title V permit if its potential to emit (PTE) exceeds 100 tons per year of SO₂, particulates, PM-10 or CO, exceeds 50 tpy of VOCs, exceeds 25 tpy of total hazardous air pollutants (HAPs), or exceeds 10 tpy for any individual HAP. The Dunkirk Steam Station has a PTE of greater than 250 tpy for SO₂, particulates, PM-10, CO, HAPs, individual HAPs, and NO_x, and a PTE greater than 50 tpy for VOCs.

For this facility, 6 NYCRR Part 225-1, "Fuel Composition and Use - Sulfur Limitations" establishes fuel sulfur content limits for oil and coal burned in its boilers. The regulation includes limits in Table 1 which were effective until January 1, 1988 and that have been accepted in the State Implementation Plan (SIP), which makes them federally enforceable. Table 2 contains sulfur in fuel limits that were effective after January 1, 1988 and are more stringent for certain areas of the state. However, Table 2 was never completely adopted in the SIP, therefore, not all the Table 2 limits are federally enforceable. These limits, however, are state enforceable and are included in the state side of this permit. After 1988 these additional Table 2 limits applied: 1.) for coal, the pounds of sulfur per million Btu of gross heat content can not exceed 1.7 on a consecutive 12 month average and 2.) the maximum percent sulfur by weight for distillate oil can not exceed 1.50. The sulfur limits associated with the daily 24 hour average and the consecutive 3 month average are the same in both Tables 1 and 2, so they are federally enforceable and are included in the federal side of this permit. This permit also contains limits for burning Waste Fuel A under Part 225-2. Part 225-2 limits the constituents of waste fuel to be burned for energy recovery. This permit also limits the amount of Waste Fuel A that can be burned by this facility to less than 30,000 gallons per twelve month period.

Part 227-1 limits particulate emissions and smoke opacity. The facility is required to use Continuous Opacity Monitoring Systems (COMS) to monitor opacity. Monitoring conditions limit opacity to 20% or less for a 6 minute average. Part 227-1 also requires reporting of opacity exceedances quarterly. Opacity monitoring using COMS is required by 40 CFR Part 75.

This permit contains monitoring conditions for compliance with Part 227-2 and Part 227-3. These rules limit emissions of nitrogen oxides. The facility installed low nitrogen oxide burners on all four boilers before May 1995. The station is part of a Department approved system wide averaging plan to meet the nitrogen oxide emission limits of Part 227-2, NO_x RACT, the plan is attached as an appendix. Part 227-



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3, the NO_x Budget and Allowance Program, was implemented in 1999 as the second phase of a national NO_x reduction program. It is a mechanism to reduce NO_x emissions from boilers larger than 250 mmBtu/hr and electric generating stations greater than 15 MW. Each source is credited with a preset allowance to emit a specified quantity of NO_x during the ozone season, May 1 through September 30 each year. If the emission source exceeds its allowance it must purchase enough allowances to cover the actual emissions. Emissions are measured with a continuous emission monitoring system following the strict requirements of 40 CFR Part 75 from the Acid Rain regulations. "Guidance for Implementation of Emission Monitoring Requirements for the NO_x Budget Program", written by the Ozone Transport Commission, dated January 28, 1997 offers guidance on; monitoring requirements, monitoring plan requirements, certification requirements and procedures, operational and quality assurance requirements for the data acquisition systems, recertification events and procedures, and reporting requirements.

The Acid Rain Permit for this facility required under 40 CFR 72, is referenced in this permit and has already been issued by this Department separately. The Phase 2 Acid Rain permit also becomes a part of the Title V permit by reference and is attached hereto. The installation, operation, maintenance, and calibration of continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) are covered by the requirements of 40 CFR 75.

The Title V permit application stated that the station has completed various modifications to the coal handling system after October 24, 1974, the applicability date for 40 CFR 60 Subpart Y, Standards of Performance for Coal Preparation Plants, and that Subpart Y is not applicable. However, since the facility installed a reclaim hopper, conveyor, apron feeder, and lump breaker (crusher) to the coal handling system after the Subpart Y applicability date and that the physical changes likely resulted in a modification, it appears Subpart Y is applicable. A Subpart Y Compliance Certification condition for monitoring opacity is part of the permit. The condition allows the facility to submit additional information related to applicability or non-applicability of Subpart Y for Department review.

Boilers 1 and 2 each have a maximum heat input of 922.2 mmBtu/hr and exhaust through individual stacks. Steam from each boiler is used to power a steam turbine-generator set. Boilers 1 and 2 are each capable of producing enough steam to generate 100 megawatts of electricity. Combustion Engineering manufactured boiler 1 in 1949 and boiler 2 in 1950.

Boilers 3 and 4 each have a maximum heat input of 1,836 mmBtu/hr and exhaust through a common stack. Steam from each boiler powers two steam turbine-generator sets. Boiler 3 & 4 are each capable of producing enough steam to generate 200 megawatts of electricity. Combustion Engineering manufactured boiler 3 in 1959 and boiler 4 in 1960.

Emission unit U00001 includes all activities associated with boiler 1, such as processes P11, P12 and P13 related to the firing of the boiler. Process P11 covers the firing of boiler 1 on distillate oil primarily for start up. Process P12 covers the normal firing of boiler 1 on coal with allowance for burning limited small quantities of plant waste. Process P13 covers the firing of boiler 1 on coal with allowance for co-firing limited quantities of waste fuel A. Boiler 1's stack is identified as emission point 00001, the boiler is emission source S0001, and the electrostatic precipitator (ESP) is emission source S001C.

Emission unit U00002 includes all activities associated with boiler 2, such as processes P21, P22 and P23 related to the firing of the boiler. Process P21 covers the firing of boiler 2 on distillate oil primarily for start up. Process P22 covers the normal firing of boiler 2 on coal with allowance for burning limited



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small quantities of plant waste. Process P23 covers the firing of boiler 2 on coal with allowance for co-firing limited quantities of waste fuel A. Boiler 2's stack is identified as emission point 00002, the boiler is emission source S0002, and the ESP is emission source S002C.

Emission unit U00003 includes all activities associated with boilers 3 and 4, such as processes P31, P32 and P33 related to the firing of the boilers. Process P31 covers the firing of boilers 3 and 4 on distillate oil primarily for start up. Process P32 covers the normal firing of boiler 3 and 4 on coal with allowance for burning limited small quantities of plant waste. Process P33 covers the firing of boiler 3 and 4 on coal with allowance for co-firing limited quantities of waste fuel A. The stack for boilers 3 and 4 is identified as emission point 00003, boiler 3 is emission source S0003, the ESP for boiler 3 is emission source S003C, boiler 4 is emission source S0004 and the ESP for boiler 4 is emission source S004C.

The facility maintains an emergency power generating diesel engine for use when the main power supply is unobtainable. The emergency power generator is exempt from permitting so long as it operates less than 500 hours per year, is used strictly for emergency conditions and maintains records according to the requirements of Part 201-3.2(a). See the general condition in the permit under " Proof of Eligibility", Part 201-3.2(a) for record keeping requirements.

There are currently two unresolved enforcement issues against the current owners of the facility. The Department has alleged that smoke emissions from the facility have exceeded and continue to exceed the 20% opacity limit (six minute average), except for one six minute period per hour of not more than 27 percent opacity, contained in Part 227-1.3 on numerous occasions. The facility has reported about two thousand, six minute periods of excess opacity. This case has been referred to the Department's Division of Environmental Enforcement for enforcement action. This referral may result in an order on consent which would include a compliance schedule (for reducing opacity exceedances) and could include monetary penalty provisions for past and any future violations.

The Department has also alleged that the facility made modifications which were subject to 40 CFR 52.21, Prevention of Significant Deterioration (PSD), without first making proper permit applications and being issued the appropriate permits. The PSD Notice of Violation (NOV) identified projects which appear to have exceeded the PSD emission applicability thresholds. Sources subject to PSD must install Best Available Control Technology (BACT) for each pollutant subject to regulation. Sources subject to PSD are also required to undertake modeling and source impact for the modification. This case has been referred to the Attorney General of the State of New York for enforcement. The permit may be modified to include any compliance schedules developed due to both the opacity and PSD enforcement activities when such enforcement activities are finalized.

An important note for the permittee to be aware of, is that even though the conditions contained in this permit state specific methods that must be used by the permittee to assess compliance or noncompliance with applicable requirements, other credible evidence may be used to demonstrate compliance or noncompliance.

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.

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Permit Administrator: KENNETH C TAFT
 DIVISION OF ENVIRONMENTAL PERMITS
 182 EAST UNION - SUITE 3
 ALLEGANY, NY 14706-1328

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

Submission of Applications for Permit Modification or Renewal -REGION 9
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 1-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 1-1.1:

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 1-1.2:

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 1-1.3:



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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 3: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13(a)

Expired by Mod No: 1

Item 3.1:

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

Item 3.2:

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

Condition 1-2: Permit Modifications, Suspensions and Revocations by the Department
Applicable State Requirement: 6NYCRR 621.14

Item 1-2.1:

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

Expired by Mod No: 1

Item 4.1:

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

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

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materially changed since the permit was issued.

****** 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



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Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: DUNKIRK POWER LLC
901 MARQUETTE AVE STE 2300
MINNEAPOLIS, MN 55402-3265

Facility: DUNKIRK STEAM GENERATING STATION
106 POINT DR NORTH
DUNKIRK, NY 14048

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

Mod 0 Permit Effective Date: 10/31/2001



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.1: Definitions Applicable To This Permit
- 25 6NYCRR 201-6: Emission Unit Definition
- 1-1 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 1-2 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 1-3 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 1-4 6NYCRR 201-6.5(e): Compliance Certification
- 30 6NYCRR 202-2.1: Compliance Certification
- 31 6NYCRR 202-2.5: Recordkeeping requirements
- 1-5 6NYCRR 204-1.6: Compliance Certification
- 1-6 6NYCRR 204-4.1: Compliance Certification
- 1-7 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 1-8 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 1-9 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 1-10 6NYCRR 204-8.3: Out of control periods.
- 1-11 6NYCRR 204-8.4: Compliance Certification
- 1-12 6NYCRR 204-8.5: Compliance Certification
- 1-13 6NYCRR 204-8.7: Compliance Certification
- 1-14 6NYCRR 225-1.2(a)(2): Compliance Certification
- 1-15 6NYCRR 225-1.2(a)(2): Compliance Certification
- 1-16 6NYCRR 225-1.2(a)(2): Compliance Certification
- 36 6NYCRR 225-2.3(b)(1): Compliance Certification
- 1-17 6NYCRR 227-1.2(a)(4): Compliance Certification
- 1-18 6NYCRR 227-1.3(a): Compliance Certification
- 1-19 6NYCRR 227-1.3(a): Compliance Certification
- 1-20 6NYCRR 227-1.3(a): Compliance Plan
- 1-21 6NYCRR 227-1.4(b): Compliance Certification
- 41 6NYCRR 227-2.4(a): Compliance Certification
- 42 6NYCRR 227-2.4(a): Compliance Certification
- 43 6NYCRR 227-2.5(b): Compliance Certification
- 1-22 40CFR 68: Accidental release provisions.
- 48 40CFR 72.6(a)(1), Subpart A: Facility Subject to Title IV Acid Rain Regulations and Permitting

Emission Unit Level

- 50 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 51 6NYCRR 201-6: Process Definition By Emission Unit

EU=U-00001

- 1-23 6NYCRR 227-1.2(a)(4): Compliance Certification
- 1-24 6NYCRR 227-1.2(a)(4): Compliance Certification



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EU=U-00002

1-25 6NYCRR 227-1.2(a)(4): Compliance Certification

1-26 6NYCRR 227-1.2(a)(4): Compliance Certification

EU=U-00003

1-27 6NYCRR 227-1.2(a)(4): Compliance Certification

1-28 6NYCRR 227-1.2(a)(4): Compliance Certification

EU=U-00003,EP=00003

55 6NYCRR 227-1.2(b): Multiple combustion sources.

EU=U-00004

56 6NYCRR 212.6(a): Compliance Certification

57 40CFR 60, NSPS Subpart Y: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

1-29 ECL 19-0301: Contaminant List

1-30 6NYCRR 201-1.4: Unavoidable noncompliance and violations

60 6NYCRR 211.2: Air pollution prohibited

1-31 6NYCRR 225-1.2(a)(2): Compliance Demonstration

61 6NYCRR 225-1.2(a)(2): Compliance Demonstration

63 6NYCRR 227-1.4(a): Compliance Demonstration

1-32 6NYCRR 237-1.6(c): Compliance Demonstration

1-33 6NYCRR 237-1.6(e): Recordkeeping and Reporting Requirements

1-34 6NYCRR 237-2: Authorization and responsibilities of the NOx
authorized account representative

1-35 6NYCRR 237-4.1: Compliance Demonstration

1-36 6NYCRR 237-7.1: Submission of NOx allowance transfers

1-37 6NYCRR 237-8: Compliance Demonstration

1-38 6NYCRR 238-1.6(c): Compliance Demonstration

1-39 6NYCRR 238-1.6(e): Compliance Demonstration

1-40 6NYCRR 238-2.1: Submissions to the Department

1-41 6NYCRR 238-4.1: Compliance Demonstration

1-42 6NYCRR 238-7.1: Submission of SO2 allowance transfers

1-43 6NYCRR 238-8: Compliance Demonstration

Emission Unit Level

EU=U-00004

64 6NYCRR 211.2: Compliance Demonstration

Permit Expiration Date: 10/31/2006

Mod 1 Permit Effective Date: 04/11/2005

Permit Expiration Date: 10/31/2006



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: 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

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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.

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



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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 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



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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 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

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renewal application.

Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission 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



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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 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

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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 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



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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 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



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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 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

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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)

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: Definitions Applicable To This Permit
Effective between the dates of 10/31/2001 and 10/31/2006**

Applicable Federal Requirement: 6NYCRR 200.1

Item 1.1:

The definitions found in Parts 200 and 201 apply throughout this permit. Specific definitions used in this permit and their meanings include:

1. "Act" refers to the Federal Clean Air Act, 42 U.S.C. Section 7401, et seq., as amended by Public Law 101-549, November 15, 1990.
2. "Administrator" refers to the Administrator of the United States Environmental Protection Agency or designee.
3. "Department" refers to the New York State Department of Environmental Conservation.

**Condition 25: Emission Unit Definition
Effective between the dates of 10/31/2001 and 10/31/2006**

Applicable Federal Requirement: 6NYCRR 201-6



Item 25.1(From Mod 1):

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

Emission Unit: U-00001

Emission Unit Description:

A nominal 922.2 MMBtu/hr steam boiler (boiler 1) and steam turbine- generator set which generate up to 100 megawatts of electricity. The boiler primarily fires coal as described in process P12 and P13, however, distillate oil is used to bring the boiler up to temperature during start up and other conditions when necessary, as described in process P11. Limited small amounts of waste materials/fuels are burned in the boiler during coal firing as described in the process descriptions for P12 and P13.

There are 3 processes associated with this emission unit. They are numbered P11, P12 & P13.

Emission Unit 1 consists of emission point 00001 (the stack), emission source S0001 (boiler 1), and emission source S001C (electrostatic precipitator).

Building(s): Main Plant

Item 25.2(From Mod 1):

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

Emission Unit: U-00002

Emission Unit Description:

A nominal 922.2 MMBtu/hr steam boiler (boiler 2) and steam turbine generator set which generate up to 100 megawatts of electricity. The boiler primarily fires coal as described in process P22 and P23, however, distillate oil is used to bring the boiler up to temperature during start up and other conditions when necessary, as described in process P21. Limited small amounts of waste materials/fuels are burned in the boiler during coal firing as described in the process descriptions for P22 and P23.

There are 3 processes associated with this emission unit. They are numbered P21, P22 & P23.

Emission Unit 2 consists of emission point 00002 (the stack), emission source S0002 (boiler 2), and emission source S002C (electrostatic precipitator).

Building(s): Main Plant

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Item 25.3(From Mod 1):

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

Emission Unit: U-00003

Emission Unit Description:

Two (2) nominal 1,836 MMBtu/hr steam boilers (boiler 3 and 4) and steam turbine-generator sets which generate up to 200 megawatts of electricity each - 400 in total. The boilers primarily fire coal as described in process P32 and P33, however, distillate oil is used to bring the boilers up to temperature during start up, and other conditions when necessary, as described in process P31. Limited small amounts of waste materials/fuels are burned in the boilers during coal firing as described in the process descriptions for P32 and P33.

There are 3 processes associated with this emission unit. They are numbered P31, P32 & P33.

Emission Unit 3 consists of emission point 00003 (the stack), emission source S0003 (boiler 3), emission source S003C (electrostatic precipitator for boiler 3), emission source S0004 (boiler 4) and emission source S004C (electrostatic precipitator for boiler 4).

Building(s): Main Plant

Item 25.4(From Mod 1):

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

Emission Unit: U-00004

Emission Unit Description:

Emission unit U-00004 consists of coal storage piles and associated coal handling equipment. The emission unit consists of four processes: P04 - rail car unloading and the stackout conveyor; P05 - marine vessel unloading; P06 - truck unloading; and P07 - the coal storage pile. Fugitive particulate matter is the only emission from these processes.

Building(s): Coal Yard

Condition 1-1: Recordkeeping and reporting of compliance monitoring Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-1.1:



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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 1-2: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-2.1:

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 1-3: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-3.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-3.2:

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:

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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

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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



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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 10/30/2005.
Subsequent reports are due every 6 calendar month(s).

Condition 1-4: Compliance Certification
Effective between the dates of 04/11/2005 and 10/31/2006

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

Replaces Condition(s) 26

Item 1-4.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-4.2:

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.

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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)



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Reports due 30 days after the reporting period.
The initial report is due 10/30/2002.
Subsequent reports are due on the same day each year

Condition 30: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Item 30.2:

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 31: Recordkeeping requirements
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 31.1:

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

- (1) a copy of each emission statement submitted to the department; and
- (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.

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

Condition 1-5: Compliance Certification
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 1-5.1:

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The Compliance Certification activity will be performed for the Facility.

Item 1-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Plant Name - Dunkirk Power

ORIS/Facility Code - 002554

NOx Budget Unit(s) (under Section 204 -1.4) - 1, 2, 3,
4

NITROGEN OXIDES REQUIREMENTS (6NYCRR 204-1.6(c))

(1) Effective May 1, 2003, each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under 6NYCRR Section 204-6.5, as of the NOx allowance transfer deadline (midnight of November 30th), 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 (May 1st to September 30th) from the unit, as determined in accordance with 6NYCRR Subpart 204-8.

(2) Each ton of nitrogen oxides emitted in excess of the NOx Budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

(3) NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with Subparts 204-5, 204-6, and 204-7.

(4) A NOx allowance shall not be deducted, in order to comply with the requirements under paragraph (1), for a control period in a year prior to the year for which the NOx allowance was allocated.

EXCESS EMISSIONS REQUIREMENTS (6NYCRR 204-1.6(d))

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 Paragraph 204-6.5(d)(1); and

(2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 6NYCRR Paragraph 204-6.5(d)(3).

RECORDKEEPING (6NYCRR 204-1.6(e))

(1) Unless otherwise provided, the owners and operators of the NOx Budget source and each NOX Budget

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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 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 Section 204-2.4; 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.

(ii) All emissions monitoring information, in accordance with 6NYCRR Subpart 204-8.

(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.

(2) 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 NOx Budget Trading Program, including those under Subparts 204-4 or 204-8.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-6: Compliance Certification
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 1-6.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-6.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(a) Applicability and deadline - 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 and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

(b) Contents of report - The NOx authorized account representative shall include in the compliance certification report 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:

(1) Identification of each NOx Budget unit;

(2) 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 6NYCRR Section 204-6.5 for the control period;

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

(4) The compliance certification described below.

(c) Compliance certification - In the compliance certification report, the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx 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 NOx Budget Trading Program applicable to the unit, including:

(1) Whether the unit was operated in compliance with the NOx Budget emissions limitation;

(2) 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



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necessary to attribute NO_x emissions to the unit, in accordance with 6NYCRR Subpart 204-8;

(3) Whether all the NO_x 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 6NYCRR Subpart 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;

(4) Whether the facts that form the basis for certification under 6NYCRR Subpart 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 6NYCRR Subpart 204-8, if any, has changed; and

(5) If a change is required to be reported by paragraph (c)(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: NOVEMBER 30TH

Condition 1-7: Submission of NO_x allowance transfers.
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-7.1

Item 1-7.1: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

- (a) The numbers identifying both the transferor and transferee accounts;
- (b) A specification by serial number of each NO_x allowance to be transferred; and
- (c) The printed name and signature of the NO_x authorized account representative of the transferor account and the date signed.

Condition 1-8: Requirements for installation, certification, and data accounting.
Effective between the dates of 04/11/2005 and 10/31/2006



Applicable Federal Requirement: 6NYCRR 204-8.1

Item 1-8.1: The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

- (1) Install all monitoring systems required under this Subpart for monitoring NO_x mass. This includes all systems required to monitor NO_x emission rate, NO_x concentration, heat input, and air or fuel flow, in accordance with 40 CFR 75.71 and 75.72.
- (2) Install all monitoring systems for monitoring heat input, if required under Section 204-8.7 for developing NO_x allowance allocations.
- (3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.
- (4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 1-9: Requirements for recertification of monitoring systems.
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 1-9.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NO_x mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 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 the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

Condition 1-10: Out of control periods.
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 1-10.1: 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.

Condition 1-11: Compliance Certification
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-8.4

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Item 1-11.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Authorized Account Representative for a NO_x Budget unit shall submit written notice to the Department and the USEPA Administrator in accordance with the requirements of this subpart as follows:

All monitoring plans or monitoring plan modifications; compliance certifications, recertifications and quarterly QA/QC reports; and, petitions for alternative monitoring, shall be submitted to the USEPA Administrator (or his/her representatives) as well as two copies to the Department (one copy to the Regional Air Pollution Control Engineer (RAPCES) in the regional office and one copy to the Bureau of Compliance Monitoring and Enforcement (BCME) in the DEC central office. All Authorized Account Representative changes shall be sent to the NYSDEC central office.

All quarterly emission data shall be electronically filed with the USEPA Clean Air Markets Division with a copy (disc or hard copy) to the NYSDEC offices.

The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division
1200 Pennsylvania Avenue
Washington D.C. 20460

CEM Coordinator
USEPA-Region 2
2890 Woodbridge Avenue
Edison, N.J. 08837

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring and Enforcement
625 Broadway, 2nd Floor

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Albany N.Y. 12233-3258

AAR changes should be sent to the attention of:

NYSDEC
Stationary Source Planning Section
Bureau of Air Quality Planning
625 Broadway, 2nd Floor
Albany NY 12233-3251

The address for the RAPCE is as follows:

270 Michigan Avenue
Buffalo, NY 14203-2999

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-12: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-8.5

Item 1-12.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

QUARTERLY REPORTS (6NYCRR 204-8.5(d))

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

(1) The NOx authorized account representative shall submit a quarterly report for each calendar quarter beginning with the first hour on May 1, 2002.

(2) The NOx authorized account representative shall 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 Subpart H of 40 CFR Part 75 and 40 CFR 75.64. 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

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group of units using a common stack) as well as information required in Subpart G of 40 CFR Part 75.

(3) 'Compliance certification.' The NO_x authorized account representative 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:

(i) 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; and

(ii) For a unit that is reporting on a control period basis under this subdivision the NO_x emission rate and the NO_x 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 NO_x emissions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 1-13: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 1-13.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-13.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report NO_x Mass emissions using a NO_x concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.



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Monitoring Frequency: HOURLY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 1-14: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-14.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 1-14.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1) No person shall sell, offer for sale, purchase, or use any distillate oil fuel which contains greater than 2.0 percent sulfur by weight.
- 2) This limitation is less restrictive than the 1.5 percent sulfur by weight limit from 6NYCRR Part 225-1.2(d) that is not part of the state implementation plan (SIP), and is on the state side of this permit. The 2.0 percent sulfur by weight limit from 6NYCRR Part 225-1.2(c) is in the SIP.
- 3) The facility shall have available for Department review upon request, the sulfur content of each batch of oil delivered to the site.
- 4) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitation of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL



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Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 2.0 percent by weight
Reference Test Method: ASTM D 4294
Monitoring Frequency: PER DELIVERY
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 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 1-15: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Replaces Condition(s) 34

Item 1-15.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 1-15.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

- 1.) The consecutive 3 month average sulfur content of coal being used in this facility's boilers shall not exceed 1.9 lbs per million BTUs. This limit shall be monitored by the use of a continuous emission monitoring system (CEMS) which measures sulfur dioxide emissions. The CEMS shall be installed and operated to meet the requirements of 40 CFR Part 75 Appendix A and shall meet the quality assurance and quality control requirements of 40 CFR Part 75 Appendix B.
- 2.) The equivalent consecutive 3 month average sulfur dioxide emission limit is 3.8 lbs./million BTUs.
- 3) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitations of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state

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so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.9 pounds per million Btus
Reference Test Method: 40 CFR 75 Appendix A
Monitoring Frequency: CONTINUOUS
Averaging Method: 3-MONTH AVERAGE ROLLED MONTHLY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 1-16: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Replaces Condition(s) 35

Item 1-16.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 1-16.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1) The daily 24 hour average sulfur content of coal being used in this facility's boilers shall not exceed 2.5 lbs per million BTUs. This limit shall be monitored by the use of a continuous emission monitoring system (CEMS) which measures sulfur dioxide emissions. The CEMS shall be installed and operated to meet the requirements of 40 CFR Part 75 Appendix A and shall meet the quality assurance and quality control requirements of 40 CFR Part 75 Appendix B.
- 2) The equivalent daily 24 hour average sulfur dioxide emission limit is 5.0 lbs/million BTUs.
- 3) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitations of this



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condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 2.5 pounds per million Btus
Reference Test Method: 40 CFR 75 Appendix A
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 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 36: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 225-2.3(b)(1)

Item 36.1:

The Compliance Certification activity will be performed for the Facility.

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

This facility is permitted to burn up to 30,000 gallons annually (on a rolling 12 month basis) of Waste Fuel A. All Waste Fuel A must be generated on the Dunkirk Steam Station property and none shall be imported.

This is a plant-wide limit subject to the following requirements:

1.) Waste fuel A shall only be fired during coal firing in process P13, P23, P33.

NOTE: Waste fuel A is any waste oil, fuel oil or mixture of these to be burned which contains between 25 and 250 parts per million (by weight) lead, which meets the limitations of Table 2-1 of section 225-2.4 of this Subpart, and does not contain any chemical waste.

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2.) The Waste Fuel A shall be tested prior to an initial burn subsequent to the issuance of this permit for each of the contaminants listed in Table 2-1 of section 225-2.4 and shall meet those limits. The limit for sulfur content is 1.5 percent by weight. The combustion efficiency of the furnace shall be at least 99% while burning Waste Fuel A. Combustion efficiency shall be determined, according to Part 225-2.3(b)1(ii), during the initial Waste Fuel A burn.

3.) The facility shall submit a waste oil sampling and combustion efficiency determination plan 30 days prior to the planned initial burn and receive approval from the department. The test results shall be submitted to the department prior to scheduling the actual burn and meet the limits stated in paragraph 2 above. The department shall disapprove any burning of Waste Fuel A which does not meet all applicable requirements of Part 225-2 for Waste Fuel A. Each time there is a change in the makeup/composition of Waste Fuel A the facility shall submit a sampling plan, receive department approval, and conduct sampling according to the above requirements of this paragraph, such as testing the fuel and combustion efficiency.

4.) Records must be maintained showing the quantity of Waste Fuel A burned in each process at the facility for each 12 month period, updated monthly, and reported in its quarterly compliance monitoring report.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: WASTE OIL

Upper Permit Limit: 30000 gallons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 1-17: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 38

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Item 1-17.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-17.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1) The facility is allowed to burn/evaporate in its boilers the following nonhazardous solid wastes generated on the Dunkirk Power plant property:
 - a.) Wastewater treatment plant sludge.
 - b.) Coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant.
 - c.) Boiler cleaning chemical wastes
- 2.) No more than a total of 10 tons per week of wastewater treatment plant sludge or coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant may be placed on the coal pile for disposal.
- 3.) Each waste shall be tested for hazardous waste characteristics according to 6 NYCRR Part 371. If any waste is determined to be hazardous under Part 371 it shall not be burned/evaporated in the boilers:
 - a.) Wastewater treatment plant sludge shall be tested and the results reported to the Department prior to burning. One test is required per permit term.
 - b.) Coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant shall be tested and results submitted to the Department prior to burning. One test is required per permit term.
 - c.) Boiler cleaning chemical wastes shall be tested and results submitted to the Department for review prior to each proposed evaporation. The waste may be evaporated once the station receives Department approval.
- 4.) The facility shall keep records of the following information, and make the records available to Department staff upon request:
 - a.) The quantities of each of the above wastes burned, and
 - b.) The date the materials were burned/evaporated.



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5.) The quantity of each waste burned during the quarter shall be reported quarterly.

Parameter Monitored: WASTE MATERIAL

Upper Permit Limit: 10 tons per week

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 1-18: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Replaces Condition(s) 39

Item 1-18.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-18.2:

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) A continuous opacity monitoring system (COMS) is required by 6 NYCRR 227-1.4(a), a state only enforceable condition, and by the Acid Rain Program in 40 CFR 75, which is a federally enforceable.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60 Appendix B

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 8/29/2005.



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

Condition 1-19: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-19.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-19.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

SCHEDULE OF COMPLIANCE - OPACITY REDUCTION PROGRAM

1. Objective

The purpose of this Schedule of Compliance is to establish the essential elements of the Permittees' Opacity Reduction Program. At all times, including periods of startup, shutdown and malfunction, the Permittee shall maintain and operate the Facilities, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions.

2. Exempt and Excusable Activities

Solely for purpose of this Order, the Department will treat excess opacity emission incidents (as defined in this Order on Consent) that occur during activities when there is no fire in the boiler ("no fire activities") as unavoidable, and any excess opacity emission incident during such periods will be excused as an exercise of the Department's discretion, pursuant to 6 NYCRR 201-1.4.

During no fire activities, facility operators must make reasonable efforts to control opacity, and must document any excess opacity emission incident in accordance with the methods specified in this Schedule of Compliance. The term "reasonable efforts" includes but is not limited to pre and post cleaning of equipment as necessary to minimize coal dust entrainment, and the use of control



equipment for any sandblasting operations.

In addition to the specific category of excused excess opacity emission incidents described above, the Department may excuse other excess opacity emission incidents that are determined to be unavoidable. In accordance with the requirements of 6 NYCRR 201-1.4, in order to be eligible for any claim that an excess opacity emission incident was unavoidable, including those attributable to startup, shutdown or malfunction, the Permittee shall report such incident by telephone, email or fax to the Commissioner's representative as soon as possible after the occurrence of the incident, during normal working hours, but in no event shall such report be made any later than two (2) working days after the occurrence of the incident. Within two (2) working days of the initial report, the Permittee shall submit a written report, by mail, fax or email, to the Commissioner's representative, describing the incident in detail. Such description shall include but shall not be limited to the time and duration of the incident, the reason(s) for its occurrence, and the corrective action(s) taken in response. The Department will thereafter make a determination whether to exercise its discretion to excuse the incident as unavoidable.

For the purpose of this Order, the Commissioner's representative shall be the Regional Air Pollution Control Engineer for the New York State Department of Environmental Conservation, Region 9 for the Huntley and Dunkirk Generating Stations, and Region 7 for the Oswego Generating Station.

3. Opacity Incident Reporting ("OIR")

The Permittee shall maintain an OIR log for recording relevant equipment and operational information for each excess opacity emission incident. An excess opacity emission incident is defined as one or more six-minute periods in which the average opacity exceeds 20%, except for one six-minute period per hour of not more than 27%, which are caused by the same set of circumstances. The OIR log shall be completed before the end of each operating shift and shall at a minimum include the following categories of information:

- a. identification of the process and/or equipment

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involved;

b. the excess opacity emission incident start time;

c. the six-minute average opacity measurements during the excess opacity emissions incident (the Department will accept this in the form of either a table or graph);

d. the mode of operation (for example, cold startup);

e. a description of the excess opacity emission incident and, as necessary, a sequence of all events that led up to/caused the incident(s);

f. a description of the preliminary cause of the excess opacity emission incident;

g. the corrective action taken, together with the date and time of same;

h. the result(s) of the corrective action taken;

i. the excess opacity emissions incident end time; and

j. the status of air cleaning equipment, including but not limited to precipitator voltage or amperage, and number of precipitator fields in service.

OIR logs shall be maintained by the Permittee for a period of five years and shall be made available for inspection by the Department on demand. The information contained within the OIR logs shall form the basis for more detailed root cause analysis, as set forth in item 5 of this Opacity Reduction Program/Schedule of Compliance, which will then be used to determine what type of excess opacity emissions incidents are unavoidable, if any, and the corrective actions, design modifications and project/program development and implementation that may be appropriate to eliminate future opacity incidents.

4. Excess Emissions and Monitoring System Performance Reporting

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The Permittee shall submit an accurate excess opacity emission incident and monitoring system performance report for each calendar year quarter in accordance with the requirements of 6 NYCRR 227-1.4. All reports shall be certified by a responsible corporate official as true, accurate and complete, and shall be postmarked by the 60th day following the end of each calendar quarter. Each report shall contain the following:

- a. a summary page providing the total number of exceedances; total number of unexcused exceedances and the stipulated penalty type ("STP" as defined in Article II.D. of the Excess Opacity Order); the stipulated penalty calculation; monitor down time expressed as percentage of operating time; compliance rates, based on both total reported and unexcused exceedances expressed (to the hundredth) as a percentage of operating time;
- b. 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;
- c. for each excess opacity emission incident, specific identification of the cause and corrective action taken;
- d. identification of all periods of COMS down time, including the date, time and duration of each inoperable period, and the cause(s) and corrective action(s) for each period of COMS down time;
- e. the total time in which the COMS are required to record data during the reporting period ("time combustion installation is in service"); and
- f. the total number of excess opacity emission incidents and the duration of said incidents expressed as a percentage of the total time in which the COMS are required to record data.

5. Root Cause Analysis and Corrective Actions

The Permittee shall identify the causes of excess opacity emissions incidents by means of root cause analysis. By April 15 of each calendar year, the quarterly opacity

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reports from the prior calendar year shall be reviewed to identify any consistent patterns for excess opacity emissions incidents and to determine if past corrective actions have resulted in improvements; provided, however, that for calendar year 2004 only, such review shall occur by June 15, 2004. Excess opacity emissions incident patterns that are identified shall be investigated. Corrective actions (e.g., revised maintenance procedures, equipment upgrades, etc.) shall be developed and an implementation schedule for such corrective actions submitted to the Department by June 15 of each year, for the Department's approval; provided, however, that for calendar year 2004 only, an implementation schedule for such corrective actions shall be submitted to the Department by August 15, 2004, for the Department's approval. The Permittee may proceed with the proposed corrective actions implementation schedule upon the Department's written notice of approval of such schedule. If the Department fails to issue written notice of approval or objection to the proposed corrective actions implementation schedule it shall be deemed approved by the 15th day after receipt of the proposed schedule and the Permittee may proceed with the corrective actions implementation schedule on the 15th day after the Department received the proposed schedule. A report detailing the progress of the approved corrective action implementation schedule shall be submitted to the Department on a semi-annual basis, with the Permittees' Title V semi-annual compliance monitoring report.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-20: Compliance Plan

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-20.1:

Compliance will be achieved according to the following schedule for the Facility:

Consent Order: 1999072229

Progress Report Begin Date: 07/30/2004

Item 1-20.2:

Remedial Measure:



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Schedule Date: 04/30/2004

The "Opacity Consent Order" included a Compliance Schedule in Appendix A. The permit includes the schedule in a facility level compliance certification condition, 6NYCRR Part 227-1.3(a). Refer to this condition for monitoring and reporting requirements.

Item 1-20.3:

Remedial Measure:

Schedule Date: 07/01/2005

Implement remedial activities identified in the Root Cause Analysis for 2004.

Intermediate Milestones:

Schedule Date: 06/15/2005

Submit Opacity Root Cause Analysis for calendar year 2004.

Schedule Date: 01/30/2005

Submit Progress report with TV semi-annual compliance reports.

Item 1-20.4:

Remedial Measure:

Schedule Date: 07/01/2006

Implement remedial activities identified in the Root Cause Analysis for 2005.

Intermediate Milestones:

Schedule Date: 06/15/2006

Submit Opacity Root Cause Analysis for calendar year 2005.

Schedule Date: 01/30/2006

Submit Progress report with TV semi-annual compliance reports.

Schedule Date: 07/30/2005

Submit Progress report with TV semi-annual compliance reports.

Condition 1-21: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.4(b)

Replaces Condition(s) 40

Item 1-21.1:

The Compliance Certification activity will be performed for the Facility.



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Item 1-21.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation which utilizes a continuous opacity monitoring system (COMS) shall include the following in their quarterly excess emission reports:

- 1) Magnitude, date, and time of each exceedence;
- 2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- 3) Date, time, and duration of each period of COMS downtime, and the corrective action for each period of downtime;
- 4) Total time the COMS is required to record data during the reporting period;
- 5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time in which the COMS are required to record data; and
- 6) Such other requirements as the Department may deem necessary in order to enforce Article 19 of the Environmental Conservation Law (ECL).

Reference Test Method: 40 CFR 60 Appendix B

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 60 days after the reporting period.

The initial report is due 8/29/2005.

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

Condition 41: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-2.4(a)

Item 41.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):



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Facility DEC ID: 9060300021

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

Item 41.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

NOx RACT during Non-Ozone Season:

Compliance with NOx RACT is being met through a system-wide averaging plan as approved by the Department on August 30, 2000. The system-wide 30 day average NOx emissions are to be below 0.42 pounds per million Btu during the non-ozone season, October 1 through April 30. See the Compliance Certification monitoring condition at the facility level for citation 6 NYCRR 227-2.5(b), which contains a general description of the plan. The system-wide averaging plan, dated February 25, 2000, is attached to this permit as an appendix.

Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 0.42 pounds per million Btus
Reference Test Method: 40 CFR 75 Appendix A
Monitoring Frequency: CONTINUOUS
Averaging Method: 30-DAY ROLLING AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 42: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-2.4(a)

Item 42.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL

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DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

NOx RACT during the Ozone Season:

Compliance with NOx RACT is being met through a system-wide averaging plan as approved by the Department on August 30, 2000. The system-wide 24 hour average NOx emissions are to be below 0.42 pounds per million Btu during the ozone season, May 1 through September 30. See the Compliance Certification monitoring condition at the facility level for citation 6 NYCRR 227-2.5(b), which contains a general description of the plan. The system-wide averaging plan, dated February 25, 2000, is attached to this permit as an appendix.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.42 pounds per million Btus

Reference Test Method: 40 CFR 75 Appendix A

Monitoring Frequency: CONTINUOUS

Averaging Method: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 43: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006

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

Item 43.1:

The Compliance Certification activity will be performed for the Facility.

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As a compliance option for NOx RACT, NRG has been approved to use a BTU-weighted NOx emissions averaging plan. For each unit in the plan, NRG calculates (1) the amount of NOx that is actually emitted during each averaging period and (2) the maximum amount of NOx that would be allowed to be emitted if each unit were required to comply on an individual basis with the limits contained



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in 6 NYCRR Part 227-2.4(a)1, based on the unit's actual heat input during the averaging period. Both the actual NOx emitted and the allowable NOx are summed for all units in the plan, and compliance is achieved if the actual emissions are less than the allowable emissions.

The approved NRG averaging plan, prepared by Air Resources Group, LLC, is dated February 25, 2000 and covers the following NRG facilities: Dunkirk Station, Huntley Station, Arthur Kill, Astoria Gas Turbines, and the Oswego Station. This plan along with the States approval letter dated August 30, 2000 is incorporated into this permit by reference.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

**Condition 1-22: Accidental release provisions.
Effective between the dates of 04/11/2005 and 10/31/2006**

Applicable Federal Requirement: 40CFR 68

Item 1-22.1:

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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
 - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
 - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

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

Condition 48: Facility Subject to Title IV Acid Rain Regulations and

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Permitting

Effective between the dates of 10/31/2001 and 10/31/2006

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

Item 48.1:

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 50: Emission Point Definition By Emission Unit

Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 50.1(From Mod 1):

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 312

Diameter (in.): 162

NYTMN (km.): 4713.519 NYTME (km.): 142.83 Building: Main Plant

Item 50.2(From Mod 1):

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 312

Diameter (in.): 162

NYTMN (km.): 4713.519 NYTME (km.): 142.83 Building: Main Plant

Item 50.3(From Mod 1):

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

Emission Unit: U-00003

Emission Point: 00003

Height (ft.): 310

Diameter (in.): 258

NYTMN (km.): 4713.519 NYTME (km.): 142.83 Building: Main Plant

Item 50.4(From Mod 1):

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



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Emission Unit: U-00004

Emission Point: 00004

Height (ft.): 5

Length (in.): 14

Width (in.): 9

NYTMN (km.): 4713.519 NYTME (km.): 142.83 Building: Coal Yard

**Condition 51: Process Definition By Emission Unit
Effective between the dates of 10/31/2001 and 10/31/2006**

Applicable Federal Requirement: 6NYCRR 201-6

Item 51.1(From Mod 1):

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

Emission Unit: U-00001

Process: P11

Source Classification Code: 1-01-005-01

Process Description:

The burning of distillate oil in boiler 1 during startup and other conditions when necessary. Boiler 1 is normally coal fired.

Emission Source/Control: S0001 - Combustion

Design Capacity: 922 million Btu per hour

Emission Source/Control: S001C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.2(From Mod 1):

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

Emission Unit: U-00001

Process: P12

Source Classification Code: 1-01-002-12

Process Description:

The burning of coal in boiler 1 to generate electricity from the steam turbine - generator set. This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Emission Source/Control: S0001 - Combustion

Design Capacity: 922 million Btu per hour

Emission Source/Control: S001C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.3(From Mod 1):



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Permit ID: 9-0603-00021/00030

Facility DEC ID: 9060300021

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

Emission Unit: U-00001

Process: P13

Source Classification Code: 1-01-013-01

Process Description:

Boiler 1 is being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission Source/Control: S0001 - Combustion

Design Capacity: 922 million Btu per hour

Emission Source/Control: S001C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.4(From Mod 1):

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

Emission Unit: U-00002

Process: P21

Source Classification Code: 1-01-005-01

Process Description:

The burning of distillate oil in boiler 2 during startup and other conditions when necessary. Boiler 2 is normally coal fired.

Emission Source/Control: S0002 - Combustion

Design Capacity: 922 million Btu per hour

Emission Source/Control: S002C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.5(From Mod 1):

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

Emission Unit: U-00002

Process: P22

Source Classification Code: 1-01-002-12

Process Description:

The burning of coal in boiler 2 to generate electricity from the steam turbine - generator set.
This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Emission Source/Control: S0002 - Combustion

Design Capacity: 922 million Btu per hour



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Emission Source/Control: S002C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.6(From Mod 1):

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

Emission Unit: U-00002
Process: P23
Source Classification Code: 1-01-013-01
Process Description:
Boiler 2 is being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission Source/Control: S0002 - Combustion
Design Capacity: 922 million Btu per hour

Emission Source/Control: S002C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.7(From Mod 1):

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

Emission Unit: U-00003
Process: P31
Source Classification Code: 1-01-005-01
Process Description:
The burning of distillate oil in boilers 3 and 4 during startup and other conditions when necessary. Boilers 3 and 4 are normally coal fired.

Emission Source/Control: S0003 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0004 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S003C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S004C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.8(From Mod 1):

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

Emission Unit: U-00003
Process: P32
Source Classification Code: 1-01-002-12
Process Description:



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The burning of coal in boilers 3 and 4 to generate electricity from the steam turbine - generator sets.

This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Emission Source/Control: S0003 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0004 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S003C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S004C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.9(From Mod 1):

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

Emission Unit: U-00003
Process: P33
Source Classification Code: 1-01-013-01
Process Description:
Boiler 3 and 4 being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission Source/Control: S0003 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0004 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S003C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S004C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 51.10(From Mod 1):

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

Emission Unit: U-00004
Process: P04
Source Classification Code: 3-05-104-03



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Process Description:

Coal that arrives at the station by rail car, is unloaded by turning the cars upside down. The coal is collected into two hoppers. Apron feeders take coal from the hoppers to conveyer #1, which deposits coal on conveyer #2. Conveyer #2 deposits coal onto the stackout conveyer to the pile.

Emission Source/Control: S0005 - Process

Emission Source/Control: S0006 - Process

Emission Source/Control: S0007 - Process

Item 51.11(From Mod 1):

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

Emission Unit: U-00004

Process: P05

Source Classification Code: 3-05-104-03

Process Description:

Coal that arrives by marine vessel is unloaded directly onto the coal pile. Coal unloading is the only emission source (S0008) associated with process P05. Hourly and annual thrupt estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0008 - Process

Item 51.12(From Mod 1):

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

Emission Unit: U-00004

Process: P06

Source Classification Code: 3-05-104-03

Process Description:

Coal that arrives by truck can be dumped in one of several places. This dumping operation is the only emission source (S0009) associated with process P06. Hourly and annual thrupt estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0009 - Process

Item 51.13(From Mod 1):

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



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Emission Unit: U-00004

Process: P07

Source Classification Code: 3-05-103-03

Process Description:

This process includes the entrainment of coal dust in the air off the coal pile. Additionally, bulldozers are used to load coal out of the piles and dump it into a reclaim hopper and otherwise work the pile. There are two sources associated with this process: S0010, the coal pile itself; and S0011, transporting coal with bulldozers. Hourly and annual thrupt estimates are provided (if needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0010 - Process

Emission Source/Control: S0011 - Process

Condition 1-23: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 52

Item 1-23.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of the permissible emission rates specified in Table 1 of subdivision (b) of 6 NYCRR 227-1.2 from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal.

2. The maximum heat input to this stack is 922 mmBtu/hr. Using the equation $E = 1.0(p^{0.22})$ from 6 NYCRR Part 227-1.2(b) table 1, footnote b, where 'E' is the permissible emission rate, and 'p' is the maximum heat



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input capacity in mmBtu/hr, the permissible emission rate is 0.223, which rounds to 0.22 lbs/mmBtu.

3.) While firing coal, the facility shall conduct a stack emission test of each boiler for particulates once a year (within 12 months of the last particulate test at this stack) based on methods in Parts 202-1.1 & 202-1.3, or equivalent. The first test must be completed within 12 months of this permit modification issue date. At its option, the Department may request additional testing of particulates during the co-firing of waste fuel A and other waste material generated on site in conjunction with the scheduled testing under this compliance monitoring condition. Stack testing shall be done according to EPA Method 5 and shall follow Department guidance for stack testing of stationary combustion installations.

4.) A stack test protocol must be submitted for approval within 30 days of the proposed test date. DEC personnel must be given the opportunity to witness testing. A report of results must be submitted to DEC within 60 days after testing for approval.

5.) The test protocol shall include a provision for recording during each test run the values for ESP primary voltage, secondary voltage (where available), and amperage on each electrical field. Where monitoring equipment is analog recording shall be done manually. The final stack test report shall include these data.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.22 pounds per million Btus

Reference Test Method: EPA Method 5

Monitoring Frequency: ANNUALLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2005.

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

Condition 1-24: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 37

Item 1-24.1:



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The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-24.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1.) The facility shall continuously/routinely monitor electrostatic precipitator (ESP) voltage as an indicator of ESP collection efficiency. Should voltage drop below the lower control limit (LCL) during such monitoring, corrective action shall be required. Failure of the corrective action to raise the voltage above the LCL triggers a particulate stack test to determine whether an exceedance of the particulate emission limit is occurring.

Details of the monitoring program are as follows:

a.) During normal operation, average ESP voltage shall not fall below the LCL of 180 primary volts or 18 kilovolts (KV) if secondary voltage is monitored. (In this case, the definition of normal operation will be when a second mill is brought on line and oil is no longer used.) If voltage monitoring is performed by Distributed Control System (DCS) or similar digital data acquisition system, average ESP voltage shall be monitored continuously and recorded hourly either by hard copy or electronically. If DCS is unavailable, voltage in each ESP field shall be recorded manually and average ESP voltage shall be calculated and recorded twice per shift (such as the beginning and middle of shift). Average voltage (V) is sum of all T/R set voltages for a given ESP divided by the number of T/R sets. $[V = (V1 + V2...+Vn)/n]$. All ESP T/R sets shall be counted for this calculation. Voltage records shall be maintained in the operations control room and be routinely reviewed by shift operations managers. Such records shall be made available to the Department upon request during normal business hours.

b.) Within 48 hours of any ESP average voltage dropping below the LCL, the facility shall inspect the ESP

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as necessary, determine the cause of the excursion, determine whether timely corrective action is possible and submit a preliminary assessment report to the Department Region 9 office either by e-mail or FAX within 2 working days. If voltage cannot be restored to above the LCL within 7 days the facility shall formulate a plan of corrective action including a time frame for completion and submit a written report to the Department within 14 days of the event for review and approval. The facility shall incorporate Department comments and implement the corrective action(s) accordingly. Failure to complete the program of correction according to the approved schedule contained therein shall be considered a violation of this permit.

c.) Within 30 days after completion of the corrective action, the facility shall report to the Department whether corrective action was successful. If unsuccessful in restoring the LCL, the report shall include a particulates monitoring stack test protocol for review and approval. Stack testing shall be conducted according to EPA Method 5 and be completed within 60 days of completion of the corrective action. A written stack test report shall be submitted to the Department for review and approval within 60 days after completion of stack testing. The permissible emission rate is 0.22 lbs of particulates per million Btu.

2.) An excursion of the LCL shall not be considered a violation of this permit.

3.) All records relative to the monitoring of ESP's as required above and associated with corrective actions shall be maintained on site for at least 5 years and be made available to the Department upon request.

4.) The facility shall report on the compliance status of this monitoring program semiannually.

Parameter Monitored: VOLTAGE

Lower Permit Limit: 18000 volts

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 05/29/2005 for the period 04/11/2005 through 04/29/2005

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Condition 1-25: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 53

Item 1-25.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of the permissible emission rates specified in Table 1 of subdivision (b) of 6 NYCRR 227-1.2 from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal.
2. The maximum heat input to this stack is 922 mmBtu/hr. Using the equation $E = 1.0(p^{0.22})$ from 6 NYCRR Part 227-1.2(b) table 1, footnote b, where 'E' is the permissible emission rate, and 'p' is the maximum heat input capacity in mmBtu/hr, the permissible emission rate is 0.223, which rounds to 0.22 lbs/mmBtu.
- 3.) While firing coal, the facility shall conduct a stack emission test of each boiler for particulates once a year (within 12 months of the last particulate test at this stack) based on methods in Parts 202-1.1 & 202-1.3, or equivalent. The first test must be completed within 12 months of this permit modification issue date. At its option, the Department may request additional testing of particulates during the co-firing of waste fuel A and other waste material generated on site in conjunction with the scheduled testing under this compliance monitoring condition. Stack testing shall be done according to EPA Method 5 and shall follow Department guidance for stack testing of stationary combustion installations.

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4.) A stack test protocol must be submitted for approval within 30 days of the proposed test date. DEC personnel must be given the opportunity to witness testing. A report of results must be submitted to DEC within 60 days after testing for approval.

5.) The test protocol shall include a provision for recording during each test run the values for ESP primary voltage, secondary voltage (where available), and amperage on each electrical field. Where monitoring equipment is analog recording shall be done manually. The final stack test report shall include these data.

Parameter Monitored: PARTICULATES
Upper Permit Limit: 0.22 pounds per million Btus
Reference Test Method: EPA Method 5
Monitoring Frequency: ANNUALLY
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2005.
Subsequent reports are due every 6 calendar month(s).

Condition 1-26: Compliance Certification
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 37

Item 1-26.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

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

Item 1-26.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1.) The facility shall continuously/routinely monitor electrostatic precipitator (ESP) voltage as an indicator of ESP collection efficiency. Should voltage drop below

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the lower control limit (LCL) during such monitoring, corrective action shall be required. Failure of the corrective action to raise the voltage above the LCL triggers a particulate stack test to determine whether an exceedance of the particulate emission limit is occurring. Details of the monitoring program are as follows:

a.) During normal operation, average ESP voltage shall not fall below the LCL of 180 primary volts or 18 kilovolts (KV) if secondary voltage is monitored. (In this case, the definition of normal operation will be when a second mill is brought on line and oil is no longer used.) If voltage monitoring is performed by Distributed Control System (DCS) or similar digital data acquisition system, average ESP voltage shall be monitored continuously and recorded hourly either by hard copy or electronically. If DCS is unavailable, voltage in each ESP field shall be recorded manually and average ESP voltage shall be calculated and recorded twice per shift (such as the beginning and middle of shift). Average voltage (V) is sum of all T/R set voltages for a given ESP divided by the number of T/R sets. $[V = (V1 + V2...+Vn)/n]$. All ESP T/R sets shall be counted for this calculation. Voltage records shall be maintained in the operations control room and be routinely reviewed by shift operations managers. Such records shall be made available to the Department upon request during normal business hours.

b.) Within 48 hours of any ESP average voltage dropping below the LCL, the facility shall inspect the ESP as necessary, determine the cause of the excursion, determine whether timely corrective action is possible and submit a preliminary assessment report to the Department Region 9 office either by e-mail or FAX within 2 working days. If voltage cannot be restored to above the LCL within 7 days the facility shall formulate a plan of corrective action including a time frame for completion and submit a written report to the Department within 14 days of the event for review and approval. The facility shall incorporate Department comments and implement the corrective action(s) accordingly. Failure to complete the program of correction according to the approved schedule contained therein shall be considered a violation of this permit.

c.) Within 30 days after completion of the

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corrective action, the facility shall report to the Department whether corrective action was successful. If unsuccessful in restoring the LCL, the report shall include a particulates monitoring stack test protocol for review and approval. Stack testing shall be conducted according to EPA Method 5 and be completed within 60 days of completion of the corrective action. A written stack test report shall be submitted to the Department for review and approval within 60 days after completion of stack testing. The permissible emission rate is 0.22 lbs of particulates per million Btu.

2.) An excursion of the LCL shall not be considered a violation of this permit.

3.) All records relative to the monitoring of ESP's as required above and associated with corrective actions shall be maintained on site for at least 5 years and be made available to the Department upon request.

4.) The facility shall report on the compliance status of this monitoring program semiannually.

Parameter Monitored: VOLTAGE

Lower Permit Limit: 18000 volts

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 05/29/2005 for the period 04/11/2005 through 04/29/2005

Condition 1-27: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 54

Item 1-27.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-27.2:

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Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of the permissible emission rates specified in Table 1 of subdivision (b) of 6 NYCRR 227-1.2 from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal.
2. The maximum heat input to this stack is 3,672 mmBtu/hr (1836+1836). Using the equation $E = 1.0(p^{0.22})$ from 6 NYCRR Part 227-1.2(b) table 1, footnote b, where 'E' is the permissible emission rate, and 'p' is the maximum heat input capacity in mmBtu/hr, the permissible emission rate is 0.164, which rounds to 0.16 lbs/mmBtu.
- 3.) While firing coal, the facility shall conduct a stack emission test of each boiler for particulates once a year (within 12 months of the last particulate test at this stack) based on methods in Parts 202-1.1 & 202-1.3, or equivalent. The first test must be completed within 12 months of this permit modification issue date. At its option, the Department may request additional testing of particulates during the co-firing of waste fuel A and other waste material generated on site in conjunction with the scheduled testing under this compliance monitoring condition. Stack testing shall be done according to EPA Method 5 and shall follow Department guidance for stack testing of stationary combustion installations.
- 4.) A stack test protocol must be submitted for approval within 30 days of the proposed test date. DEC personnel must be given the opportunity to witness testing. A report of results must be submitted to DEC within 60 days after testing for approval.
- 5.) The test protocol shall include provision for recording during each test run the values for ESP primary voltage, secondary voltage (where available), and amperage on each electrical field. Where monitoring equipment is analog recording shall be done manually. The final stack test report shall include these data.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.16 pounds per million Btus



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Reference Test Method: EPA Method 5
Monitoring Frequency: ANNUALLY
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 10/30/2005.
Subsequent reports are due every 6 calendar month(s).

Condition 1-28: Compliance Certification

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable Federal Requirement: 6NYCRR 227-1.2(a)(4)

Replaces Condition(s) 37

Item 1-28.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-28.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1.) The facility shall continuously/routinely monitor electrostatic precipitator (ESP) voltage as an indicator of ESP collection efficiency. Should voltage drop below the lower control limit (LCL) during such monitoring, corrective action shall be required. Failure of the corrective action to raise the voltage above the LCL triggers a particulate stack test to determine whether an exceedance of the particulate emission limit is occurring. Details of the monitoring program are as follows:

a.) During normal operation, average ESP voltage shall not fall below the LCL of 180 primary volts or 18 kilovolts (KV) if secondary voltage is monitored. (In this case, the definition of normal operation will be when a second mill is brought on line and oil is no longer used.) If voltage monitoring is performed by Distributed Control System (DCS) or similar digital data acquisition system, average ESP voltage shall be monitored continuously and recorded hourly either by hard copy or

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electronically. If DCS is unavailable, voltage in each ESP field shall be recorded manually and average ESP voltage shall be calculated and recorded twice per shift (such as the beginning and middle of shift). Average voltage (V) is sum of all T/R set voltages for a given ESP divided by the number of T/R sets. $[V = (V1 + V2...+Vn)/n]$. All ESP T/R sets shall be counted for this calculation. Voltage records shall be maintained in the operations control room and be routinely reviewed by shift operations managers. Such records shall be made available to the Department upon request during normal business hours.

b.) Within 48 hours of any ESP average voltage dropping below the LCL, the facility shall inspect the ESP as necessary, determine the cause of the excursion, determine whether timely corrective action is possible and submit a preliminary assessment report to the Department Region 9 office either by e-mail or FAX within 2 working days. If voltage cannot be restored to above the LCL within 7 days the facility shall formulate a plan of corrective action including a time frame for completion and submit a written report to the Department within 14 days of the event for review and approval. The facility shall incorporate Department comments and implement the corrective action(s) accordingly. Failure to complete the program of correction according to the approved schedule contained therein shall be considered a violation of this permit.

c.) Within 30 days after completion of the corrective action, the facility shall report to the Department whether corrective action was successful. If unsuccessful in restoring the LCL, the report shall include a particulates monitoring stack test protocol for review and approval. Stack testing shall be conducted according to EPA Method 5 and be completed within 60 days of completion of the corrective action. A written stack test report shall be submitted to the Department for review and approval within 60 days after completion of stack testing. The permissible emission rate is 0.16 lbs of particulates per million Btu.

2.) An excursion of the LCL shall not be considered a violation of this permit.

3.) All records relative to the monitoring of ESP's as

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required above and associated with corrective actions shall be maintained on site for at least 5 years and be made available to the Department upon request.

4.) The facility shall report on the compliance status of this monitoring program semiannually.

Parameter Monitored: VOLTAGE

Lower Permit Limit: 18000 volts

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (ANNIVERSARY)

Initial Report Due: 05/29/2005 for the period 04/11/2005 through 04/29/2005

**Condition 55: Multiple combustion sources.
Effective between the dates of 10/31/2001 and 10/31/2006**

Applicable Federal Requirement: 6NYCRR 227-1.2(b)

Item 55.1:

This Condition applies to Emission Unit: U-00003 Emission Point: 00003

Item 55.2:

The total heat input of all furnaces connected to the same stack or pollution control device shall be used to calculate the permissible particulate emission rate.

**Condition 56: Compliance Certification
Effective between the dates of 10/31/2001 and 10/31/2006**

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 56.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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- 1) No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20% or greater, from any process source, except only the emission of uncombined water.
- 2.) The facility shall create a list of all openings in the rail car unloading building which have particulate emissions - whether gravity or mechanically ventilation.
- 3) Periodic monitoring shall consists of a daily observation of all exhaust vents and openings in the rail car unloading building (from item 2 above) for opacity during rail car unloading.
 - a) If the instantaneous opacity is greater than 10% then an EPA Method 9 visible emission observation shall be conducted on the emission point(s). Three consecutive 6 minute observations shall be made using EPA Method 9.
 - b) If the Method 9 observation determines an exceedance of the 20% standard, corrective action shall be taken to reduce emissions to below 20% opacity. Another three consecutive 6 minute observations during rail car unloading shall be conducted after corrective action have been taken using EPA Method 9.
- 4) The date, time, person, instantaneous opacity readings at each location, and if necessary the Method 9 results, and the necessary corrective actions that were taken shall be recorded in a log that shall be made available to Department staff for review, upon request. Any problems requiring corrective action must be promptly reported to the Department and no later than the next business day.
- 5) The facility shall report the compliance status of this process in the quarterly periodic monitoring reports. The report shall include a summary of excess emission events, if any, and what corrective actions were taken etc.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.



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The initial report is due 1/30/2002.

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

Condition 57: Compliance Certification

Effective between the dates of 10/31/2001 and 10/31/2006

Applicable Federal Requirement: 40CFR 60, NSPS Subpart Y

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 57.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1.) The Department has made a determination that Subpart Y applies to the Dunkirk Steam Station for coal processing and conveying equipment, coal storage system and coal transfer and loading system operations. The facility has stated in its Title V application that it installed a reclaim hopper, conveyor, apron feeder, and lump breaker (crusher) after the Subpart Y applicability date of October 24, 1974. The 20% opacity limit contained in 40 CFR 60.252(c) applies to any emission points in the facilities covered by Subpart Y.

Therefore, as required in 40 CFR Subpart A, the facility shall notify the Environmental Protection Agency of Subpart Y applicability and meet the requirements of Subpart Y which apply to the facility. The facility may submit additional information regarding Subpart Y applicability or non-applicability to the Department and the Environmental Protection Agency for review at a future date.

2) Periodic monitoring shall consist of a daily observation during operation of all process exhaust vents and openings in the coal processing and conveying equipment, coal storage systems, and coal transfer and loading system. This includes the large overhead door in the vicinity of the rail car unloading operation.

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a) If the instantaneous opacity is greater than 10% then an EPA Method 9 visible emission observation shall be conducted on the emission point(s). Three consecutive 6 minute observations shall be made using EPA Method 9.

b) If the Method 9 observation determines an exceedance of the 20% standard, corrective action shall be taken to reduce emissions to below 20% opacity. Another three consecutive 6 minute observations during rail car unloading shall be conducted after corrective action have been taken using EPA Method 9.

3) The date, time, person, instantaneous opacity readings at each location, and if necessary the Method 9 results, and the necessary corrective actions that were taken shall be recorded in a log that shall be made available to Department staff for review, upon request. Any problems requiring corrective action must be promptly reported to the Department and no later than the next business day.

4) The facility shall report the compliance status of this process in the quarterly periodic monitoring reports. The report shall include a summary of excess emission events, if any, and what corrective actions were taken etc.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

Subsequent reports are due every 3 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 1-29: Contaminant List

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: ECL 19-0301

Item 1-29.1:

Emissions of the following contaminants are subject to contaminant specific requirements in this



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permit(emission limits, control requirements or compliance monitoring conditions).

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 1-30: Unavoidable noncompliance and violations
Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 201-1.4

Item 1-30.1:

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



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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 60: Air pollution prohibited
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable State Requirement: 6NYCRR 211.2

Item 60.1:

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

Condition 1-31: Compliance Demonstration
Effective between the dates of 04/11/2005 and 10/31/2006

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

Replaces Condition(s) 62

Item 1-31.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 1-31.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1) No person shall sell, offer for sale, purchase, or use any distillate oil fuel which contains greater than 1.5 percent sulfur by weight.

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2) This limitation is more restrictive than the 2.0 percent sulfur by weight limit from 6NYCRR Part 225-1.2(c) that is part of the state implementation plan (SIP), and is on the federal side of the permit. The 1.5 percent sulfur by weight limit from 6NYCRR Part 225-1.2(d) is not in the SIP.

3) The facility shall have available for Department review upon request, the sulfur content of each batch of oil delivered to the site.

4) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitation of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.5 percent by weight
Reference Test Method: ASTM D 4294
Monitoring Frequency: PER DELIVERY
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 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 61: Compliance Demonstration
Effective between the dates of 10/31/2001 and 10/31/2006

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

Item 61.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 61.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC



OPERATIONS

Monitoring Description:

- 1) The consecutive 12 month average sulfur content of coal being used in this facility's boilers shall not exceed 1.7 lbs per million BTUs. This limit shall be monitored by the use of a continuous emission monitoring system (CEMS) which measures sulfur dioxide emissions. The CEMS shall be installed and operated to meet the requirements of 40 CFR Part 75 Appendix A and shall meet the quality assurance and quality control requirements of 40 CFR Part 75 Appendix B.

- 2) The equivalent annual sulfur dioxide emission limit is 3.4 lbs./million BTUs.

- 3) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitations of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: BITUMINOUS COAL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.7 pounds per million Btus
Reference Test Method: 40 CFR 75 Appendix A
Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 3 calendar month(s).

Condition 63: Compliance Demonstration
Effective between the dates of 10/31/2001 and 10/31/2006

Applicable State Requirement: 6NYCRR 227-1.4(a)

Item 63.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 63.2:

Compliance Demonstration shall include the following monitoring:

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



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Monitoring Description:

Any person who owns a stationary combustion installation (excluding gas turbines), with a total maximum heat input capacity exceeding 250 million Btu per hour shall install, operate in accordance with manufacturer's instructions, and properly maintain, accurate instruments satisfying the criteria in appendix B of title 40, part 60 of the Code of Federal Regulations, or approved by the commissioner on an individual case basis, for continuously monitoring and recording opacity, and when sulfur dioxide continuous monitoring is required by Part 225 of this Title, for continuously monitoring and recording either the percent oxygen or carbon dioxide in the flue gases from such installations at all times that the combustion installation is in service. Where gas is the only fuel burned, monitoring and recording of opacity is not required.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40CFR60 Appendix B

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 1-32: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-32.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-32.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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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).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.



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Permit ID: 9-0603-00021/00030

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The initial report is due 10/30/2005.

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

Condition 1-33: Recordkeeping and Reporting Requirements

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-33.1:

Unless otherwise provided, the owners and operators of the NO_x budget source and each NO_x 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 NO_x authorized account representative for the source and each NO_x 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 NO_x 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 NO_x Budget Trading Program.

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

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

Condition 1-34: Authorization and responsibilities of the NO_x authorized account representative

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 237-2

Item 1-34.1:

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



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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.

No NOx budget permit shall be issued, and no NOx Allowance Tracking System account shall be established for a NOx budget unit at a source, until the department or its agent has received a complete account certificate of representation under NYCRR 237-2.4 for a NOx authorized account representative of the source and the NOx budget units at the source.

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."

The department or its agent will accept or act on a submission made on behalf of owners or operators of a NOx budget source or a NOx budget unit only if the submission has been made, signed, and certified in accordance with NYCRR 237-2.1(e)(1).

Condition 1-35: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 237-4.1

Item 1-35.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-35.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

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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 NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx budget units at the source in compliance with the Acid Deposition Reduction (ADR) NOx Budget Trading Program, whether each NOx budget unit for which the compliance certification is submitted

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was operated during the calendar year covered by the report in compliance with the requirements of the ADR NOx Budget Trading Program applicable to the unit, including:

(a) whether the unit was operated in compliance with the NOx 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 NOx emissions to the unit, in accordance with NYCRR 237-8;

(c) whether all the NOx 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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEPTEMBER 30

**Condition 1-36: Submission of NOx allowance transfers
Effective between the dates of 04/11/2005 and 10/31/2006**

Applicable State Requirement: 6NYCRR 237-7.1

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Item 1-36.1:

The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the NOx 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 NOx allowance to be transferred; and
- (c) the printed name and signature of the NOx authorized account representative of the transferor account and the date signed.

Condition 1-37: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 237-8

Item 1-37.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-37.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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 NYCRR 237-8 and in Subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 237-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "NOx budget unit," and "NOx authorized account representative," respectively, as defined in section 237-1.2.

For any NOx budget unit which is also a NOx budget unit under Part 204 of this title, prior or contemporaneous timely submissions in compliance with the requirements of Subpart 204-8 may, when appropriate, be summarily referenced by the owners and operators of the NOx budget unit in order to demonstrate compliance with the requirements of this Subpart:

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2005.

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

Condition 1-38: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-38.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-38.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of each SO₂ budget source and each SO₂ budget unit at the source shall hold SO₂ allowances available for compliance deductions under NYCRR 238-6.5, as of the SO₂ allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO₂ 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 SO₂ budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

An SO₂ budget unit shall be subject to the requirements under NYCRR 1.6 (c)(1) on the date on which the unit commences operation.

SO₂ allowances shall be held in, deducted from, or transferred among SO₂ Allowance Tracking System accounts in accordance with NYCRR 238-5, 238-6, and 238-7.

Except for future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), an SO₂ allowance



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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 SO₂ allowance was allocated.

An SO₂ allowance allocated by the department under the ADR SO₂ budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program. No provision of the ADR SO₂ Budget Trading Program, the SO₂ budget permit application, or the SO₂ 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 SO₂ allowance allocated by the department under the ADR SO₂ Budget Trading Program does not constitute a property right.

The owners and operators of an SO₂ budget unit that has excess emissions in any control period shall: Forfeit the SO₂ 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).

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 10/30/2005.

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

Condition 1-39: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

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

Item 1-39.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-39.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Unless otherwise provided, the owners and operators of

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the SO₂ budget source and each SO₂ 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 SO₂ authorized account representative for the source and each SO₂ 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.

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 10/30/2005.

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

Condition 1-40: Submissions to the Department

Effective between the dates of 04/11/2005 and 10/31/2006



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Permit ID: 9-0603-00021/00030

Facility DEC ID: 9060300021

Applicable State Requirement: 6NYCRR 238-2.1

Item 1-40.1:

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 1-41: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 238-4.1

Item 1-41.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-41.2:

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 SO₂ 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 SO₂ budget emissions limitation for the control period covered by the report:

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- (1) identification of each SO₂ budget unit;
- (2) except in instances when the SO₂ budget unit seeks to use future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), at the SO₂ authorized account representative's option, the serial numbers of the SO₂ allowances that are to be deducted from each unit's compliance account under NYCRR 238-6.5 for the control period;
- (3) at the SO₂ authorized account representative's option, for units sharing a common stack and having SO₂ emissions that are not monitored separately or apportioned in accordance with NYCRR 238-8, the percentage of SO₂ 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 SO₂ authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the SO₂ budget units at the source in compliance with the ADR SO₂ Budget Trading Program, whether each SO₂ 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 SO₂ Budget Trading Program applicable to the unit, including:

- (a) whether the unit was operated in compliance with the SO₂ 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 SO₂ emissions to the unit, in accordance with Subpart 238-8;
- (c) whether all the SO₂ emissions from the unit, or a group of units (including the unit) using a common stack,

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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: MARCH 1

Condition 1-42: Submission of SO2 allowance transfers

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 238-7.1

Item 1-42.1:

The SO2 authorized account representatives seeking recordation of an SO2 allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO2 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 SO2 allowance to be transferred; and
- (c) the printed name and signature of the SO2 authorized account representative of the transferor account and the date signed.

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Condition 1-43: Compliance Demonstration

Effective between the dates of 04/11/2005 and 10/31/2006

Applicable State Requirement: 6NYCRR 238-8

Item 1-43.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-43.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators, and to the extent applicable, the SO₂ authorized account representative of an SO₂ budget unit, shall comply with the monitoring and reporting requirements as provided for in all applicable sections of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 238-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "SO₂ budget unit," and "SO₂ authorized account representative," respectively, as defined in NYCRR 238-1.2.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 10/30/2005.

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

**** Emission Unit Level ****

Condition 64: Compliance Demonstration

Effective between the dates of 10/31/2001 and 10/31/2006

Applicable State Requirement: 6NYCRR 211.2

Item 64.1:

The Compliance Demonstration activity will be performed for:



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Permit ID: 9-0603-00021/00030

Facility DEC ID: 9060300021

Emission Unit: U-00004

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 64.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The ash silo and roadways described under emission unit U-00004 are subject to the nuisance requirements under 6NYCRR Part 211.2 for fugitive emissions. The fugitive emissions from ash handling must not contribute to a public nuisance or re-entrainment problem. The facility shall control fugitive emissions as follows:

- 1) The ash silo is vented to a boiler electrostatic precipitator. Ash is removed from the silo by emptying into either tanker trucks or dump trucks.
 - a) A concentric discharge boot is used to fill tankers, where the outside of the boot sucks the displaced air out the truck and vents it back into the silo. The filled tankers are hosed down with water to remove any ash before they leave the site. These procedures must be used when filling every tank truck to minimize re-entrainment.
 - b) To load a dump truck the ash is mixed with water to ball it up. The discharge chute also extends down into the dump box. All dump trucks must be covered before they leave the site. These procedures must be used when filling every dump truck to minimize re-entrainment.
 - c) All roadways must be washed down to minimize dust emissions as necessary.
- 2) The permittee must certify semiannually that the fugitive dust preventative measures described above have been implemented as necessary during the reporting period.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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The initial report is due 4/30/2002.
Subsequent reports are due every 6 calendar month(s).