

New York State Department of Environmental Conservation
Facility DEC ID: 906600093



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

PAir State Facility

Permit ID: 9-0660-00093/02001

Mod 0 Effective Date: 01/15/2002 Expiration Date: No expiration date.

Mod 1 Effective Date: 12/10/2003 Expiration Date: No expiration date.

Permit Issued To: NYS DEPT OF CORRECTIONAL SERVICES
BUILDING 2 - STATE OFFICE BUILDING CAMPUS
ALBANY, NY 12226

Contact: KEITH D RUPERT
NYS DEPARTMENT OF CORRECTIONAL SERVICES
1220 WASHINGTON AVENUE
ALBANY, NY 12226
(518) 435-9477

Facility: LAKEVIEW CORRECTIONAL FACILITY
9300 LAKE AVENUE
BROCTON, NY 14716

Description:

Lakeview Correctional Facility is located in the Town of Portland, Chautauqua County. The purpose of this latest air facility permit (MOD 1) is to include the operation of diesel internal combustion generator sets while allowing the facility to avoid New Source Review (NSR) and Title V permitting. The use of these generators will allow the Lakeview Correctional Facility to participate in New York State's Coordinated Energy Demand Reduction Program (CDRP). The CDRP makes the power output from these generators available to the New York State's electric power utility grid during periods of peak power demand. These generators were previously exempt from permitting under 6NYCRR Part 201-3.2(c)(6) because they were used only for emergency power needs and the use of each generator limited to 500 hours of operation per year. Participating in the CDRP does not allow the facilities to continue to qualify for that exemption. However, unrestricted use of these generators would cause facility-wide emissions to exceed the applicability threshold for NSR and Title V permitting. Therefore, this permit also contains new federally enforceable conditions which limit the amount of diesel fuel being burned in these engines so that the cumulative emissions of oxides of nitrogen (NOx) do not exceed 90 tons per year (tpy). This is below the NSR major source threshold of 100 tpy . In addition, the permit contains facility-wide annual emission limits of 95 tpy for NOx and SO2 also based on a fuel usage formula. These limits cap the facility out of Title V permitting.

Record keeping and reporting requirements in this permit require the facility to track facility-wide annual emissions of NOx and SO2 by keeping a 12 month total of each air contaminant and updating the total monthly. Also required is the monthly tracking of fuel usage in the diesel engines so as not to exceed



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410,000 gallons for any 12 month period. This usage results in 90 tpy NOx emissions. The facility is required annually to compare emissions to the emission caps and certify compliance.

The history of this permit is as follows:

MOD 0 - The purpose of the original permit was to cap out of Title V and PSD by limiting percent sulfur by weight to 0.5 % of the No.2 fuel oil so the Potential to Emit (PTEs) for SO₂, CO and NO_x emissions was to be kept below the thresholds for Title V and PSD. The facility along with its boilers was built in late 1989 and early 1990. The boilers are subject to the New Source Performance Standard (NSPS) 40CFR60 Subpart Dc for small boilers for reporting and sulfur limits on its fuel. MOD 0 contains such requirements and they will all be carried over into MOD 1. All of the boilers were included in emission unit 0-0MAIN. Also incorporated into MOD 0 was the uniform monitoring requirements for opacity that now appears in the air state facility permits for all the state correctional facilities.

MOD 1 - This brings the CDRP program into the permit by incorporating two generators into the permits. The affected units are a Caterpillar Model 3412-01TA, rated at 550 kilowatts and a Cummins Model KTA 50-G1, rated 1025 kilowatts. A separate process - GEN will be incorporated into MOD 1 and will be comprised of these two generators. A third power generating unit, a 600 KW Detroit Diesel, is dedicated to a fire pump and will continue its emergency exemption as per Part 201-3.2 (6) by limiting its operating time to 500 hours per year. This third unit will not be a part of the CDRP program. MOD 1 will also continue the requirement limiting No. 2 fuel oil to 0.5 percent sulfur.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

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

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

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 ******
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:

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

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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 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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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: NYS DEPT OF CORRECTIONAL SERVICES
BUILDING 2 - STATE OFFICE BUILDING CAMPUS
ALBANY, NY 12226

Facility: LAKEVIEW CORRECTIONAL FACILITY
9300 LAKE AVENUE
BROCTON, NY 14716

Authorized Activity By Standard Industrial Classification Code:
9223 - CORRECTIONAL INSTITUTIONS



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

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- 11 6NYCRR 201-6.1: Facility Permissible Emissions
- *1-1 6NYCRR 201-6.1: Compliance Demonstration
- *1-2 6NYCRR 201-6.1: Compliance Demonstration
- 13 6NYCRR 201-7.2(e): Compliance Demonstration
- 1-3 6NYCRR 227-1.3(a): Compliance Demonstration
- 1-4 40CFR 60.42c(d), NSPS Subpart Dc: Compliance Demonstration

Emission Unit Level

- 1-5 6NYCRR 231-2.2: Process Permissible Emissions

EU=0-0MAIN

- 21 40CFR 60.48c(g), NSPS Subpart Dc: Compliance Demonstration
- 1-6 40CFR 60.116b(a), NSPS Subpart Kb: Compliance Demonstration

EU=0-0MAIN,Proc=GEN

- *1-7 6NYCRR 231-2.2: Compliance Demonstration

EU=0-0MAIN,EP=00001,Proc=GAS,ES=00B01

- 1-8 40CFR 60.116b(b), NSPS Subpart Kb: Compliance Demonstration

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- 1-9 ECL 19-0301: Contaminant List
- 24 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 27 6NYCRR 201-5: Emission Unit Definition
- 29 6NYCRR 211.2: Air pollution prohibited

Emission Unit Level

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- 31 6NYCRR 201-5: Process Definition By Emission Unit

NOTE: * preceding the condition number indicates capping.

Mod 0 Permit Effective Date: 01/15/2002 Permit Expiration Date: No expiration date.

Mod 1 Permit Effective Date: 12/10/2003 Permit Expiration Date: No expiration date.



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability

Item A:

Sealing - 6NYCRR Part 200.5

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

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

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

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

Item B:

Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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

Item C:

Maintenance of Equipment - 6NYCRR Part 200.7

Any person who owns or operates an air contamination

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source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

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

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

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

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

Item E: Emergency Defense - 6NYCRR Part 201-1.5

An emergency constitutes an affirmative defense to an action brought for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

(a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event

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

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

Item I: 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

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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 J: 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 K: 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 L: 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 M: 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

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limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item N: 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 federally enforceable.

Condition 11: Facility Permissible Emissions

Effective between the dates of 01/15/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.1

Item 11.1:

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 007446-09-5 (From Mod 1) PTE: 190,000 pounds per year
Name: SULFUR DIOXIDE

CAS No: 0NY210-00-0 (From Mod 1) PTE: 190,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 1-1: Compliance Demonstration

Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.1

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Item 1-1.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 1-1.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide emission of oxides of nitrogen (NOx) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

NOx emissions = (thousand gallons # 2 oil X 20 lb/kgal)
+ (million cubic feet of natural gas X 100 lb/ million
cu ft) + (thousand gallons of diesel used in generators
X 432 lb/kgal) + 6.46 tons for exempt combustion units.
The 6.46 tons per year NOx emissions from exempt sources
is based on the maximum design fuel usage of 129.147
million cu ft of natural gas per year in the dual fuel
furnaces.

2.) The permittee shall compute monthly and 12 month total NOx emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

3.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

4.) On an annual basis beginning one year after date of issuance of this permit, the responsible official shall provide a written certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certification shall include a brief

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summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with title 5 permitting and NSR (100 tons per year).

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MINIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 02/13/2004 for the period 12/10/2003 through 01/14/2004

Condition 1-2: Compliance Demonstration

Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-6.1

Replaces Condition(s) 12

Item 1-2.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 1-2.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting and Prevention of Significant Deterioration (PSD), this facility shall limit plant-wide emission of sulfur dioxide (SO₂) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

SO₂ emissions = (thousand gallons #2 oil X 71 lb/kgal) +
(million cubic feet of natural gas X 0.6 lb/ million cu
ft) + (thousand gallons of diesel used in generators X
54.54 lb/kgal) + 0.0387 tons for exempt combustion units.

The 0.0387 tons per year emissions from exempt combustion units is based on the maximum design fuel usage of 129.147 million cu ft natural gas per year in the dual

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fuel furnaces.

2.) The permittee shall compute monthly and 12 month total SO₂ emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

3.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

4.) On an annual basis beginning one year after date of issuance of this permit, the responsible official shall provide a written certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with title 5 permitting (100 tons per year) and PSD (250 tons per year).

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MINIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 02/13/2004 for the period 12/10/2003 through 01/14/2004

Condition 13: Compliance Demonstration

Effective between the dates of 01/15/2002 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2(e)

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



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On an annual basis beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with an applicable requirement.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 02/13/2003 for the period 01/15/2002 through 01/14/2003

Condition 1-3: Compliance Demonstration
Effective between the dates of 12/10/2003 and Permit Expiration Date

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

Item 1-3.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 1-3.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average in reference test method 9 in Appendix A of 40 CFR 60.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-4: Compliance Demonstration
Effective between the dates of 12/10/2003 and Permit Expiration Date

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

Item 1-4.1:

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The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 1-4.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1.) No. 2 Fuel Oil burned by all boilers at this facility shall not exceed 0.5 % by weight. The sulfur content of the oil shall be determined through vendor certification for each batch/delivery.
- 2.) In addition to the use of lower sulfur oil allowing the facility to meet its sulfur dioxide emission cap, the 0.5% sulfur content limit also satisfies the fuel oil sulfur content limit found in the New Source Performance Standard for small boilers, NSPS Subpart Dc. This regulation applies to all three boilers at the powerhouse -two boilers with maximum heat input of 16.73 million Btu/hr and one at 10.46 million Btu/hr.
- 3.) All fuel records for this facility shall be kept on the premises for a period of 5 years. Sulfur content records shall be obtained and kept on site. This information shall be made available to the NYSDEC upon request during normal business hours.
- 4.) The facility shall submit semi-annual reports to the administrator and to the Department at 270 Michigan Ave., Buffalo, NY regarding the sulfur content of its No. 2 Fuel Oil. These reports shall comply with the requirements of 40 CFR 60.48(e)(1) and 40 CFR 60.48(c)(f).
- 5.) If fuel supplier certification is used to demonstrate compliance, then records of certification as described under paragraph (f)(1),(2), or (3) are applicable. In addition to fuel supplier certification, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period. Fuel supplier certification shall include the following information:
 - (i) The name of supplier; and

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(ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil found in "60.1 c.

6.) Any exceedance of this sulfur content limit shall be reported to the Department at 270 Michigan, Buffalo, New York within six working days of the occurrence.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: NUMBER 2 OIL
Parameter Monitored: SULFUR
Upper Permit Limit: 0.5 percent by weight
Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2004.
Subsequent reports are due every 6 calendar month(s).

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

Condition 1-5: Process Permissible Emissions
Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 231-2.2

Item 1-5.1:

The sum of emissions from the regulated process cited shall not exceed the following Potential to Emit (PTE) rates for each regulated contaminant:

Emission Unit: 0-0MAIN Process: GEN

CAS No: 0NY210-00-0 (From Mod 1)
Name: OXIDES OF NITROGEN
PTE(s): 180,000 pounds per year

Condition 21: Compliance Demonstration
Effective between the dates of 01/15/2002 and Permit Expiration Date

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

Item 21.1:

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The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN

Item 21.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: DAILY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-6: Compliance Demonstration

Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.116b(a), NSPS Subpart Kb

Item 1-6.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN

Item 1-6.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall keep copies of all records required by this section, except for the record required by paragraph (b) of this section, for at least 2 years. The record required by paragraph (b) of this section will be kept for the life of the source

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 1-7: Compliance Demonstration

Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 231-2.2

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Item 1-7.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN

Process: GEN

Regulated Contaminant(s):

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

Item 1-7.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

1.) In order to avoid New Source Review (NSR), this facility shall limit the emission of oxides of nitrogen (NOx) from this process to 90 tons per each 12 month period. This shall be accomplished by limiting the use diesel fuel oil in its internal combustion electric generators to 410,000 gallons every 12 months. This is based on diesel fuel heat content of 137,000 Btu per gallon and an emission factor of 3.2 lbs NOx per million Btu.

2.) The permittee shall compute monthly and 12 month total diesel fuel oil usage by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

3.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

4.) On an annual basis beginning one year after date of issuance of this permit, the responsible official shall provide a written certification to the Department that the facility has operated within the limits imposed by the emissions cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to those threshold values that would require compliance with title 5 permitting and NSR (100 tons per year).

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Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: DIESEL OIL
Upper Permit Limit: 410000 gallons per year
Monitoring Frequency: MONTHLY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (ANNIVERSARY)
Initial Report Due: 02/13/2004 for the period 12/10/2003 through 01/14/2004

Condition 1-8: Compliance Demonstration
Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable Federal Requirement: 40CFR 60.116b(b), NSPS Subpart Kb

Item 1-8.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN Emission Point: 00001
Process: GAS Emission Source: 00B01

Regulated Contaminant(s):
CAS No: 0NY998-00VOC

Item 1-8.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall keep readily accessible records showing the dimension of the storage vessel and an analysis showing the capacity of the storage vessel. These records shall be kept on site for the life of the storage vessel.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6NYCRR Part 201-1.10(a)

Where emission source owners and/or operators keep records pursuant to compliance with the operational flexibility requirements of 6 NYCRR Subpart 201-5.4(b)(1) , and/or the emission capping requirements of 6 NYCRR Subparts 201-7.2(d), 201-7.3(f), 201-7.3(g), 201-7.3(h)(5), 201-7.3(i) and 201-7.3(j), the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Emission source owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department of receipt of the request.

Item B: 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

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law.

STATE ONLY APPLICABLE REQUIREMENTS

The following conditions are state only enforceable.

Condition 1-9: Contaminant List

Effective between the dates of 12/10/2003 and Permit Expiration Date

Applicable State Requirement: ECL 19-0301

Item 1-9.1:

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

CAS No: 0NY998-00-0

Name: VOC

Condition 24: Unavoidable noncompliance and violations

Effective between the dates of 01/15/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-1.4

Item 24.1:

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



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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 superseded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.
- (c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.
- (d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.
- (e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 27: Emission Unit Definition
Effective between the dates of 01/15/2002 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 27.1(From Mod 1):

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

Emission Unit: 0-0MAIN

Emission Unit Description:

Two 16.74 Million Btu/hr Cleaver Brooks boilers and one 10.46 Million Btu/hr Cleaver Brooks boiler are located in the powerhouse. Both boilers are capable of firing natural gas and No. 2 Fuel Oil and they vent through one stack. This emission unit also includes a Caterpillar Model 3412-01TA generator, rated at 550 kilowatts and a Cummins Model KTA 50-G1 generator, rated at 1025 kilowatts generator. These two generators will participate in New York State's Coordinated Energy Demand Reduction Program (CDRP) so the facility can provide peak shaving power



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generation to the state's electric power utility grid.

Building(s): 21

**Condition 29: Air pollution prohibited
Effective between the dates of 01/15/2002 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 211.2

Item 29.1:

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

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

**Condition 30: Emission Point Definition By Emission Unit
Effective between the dates of 01/15/2002 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 30.1(From Mod 1):

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

Emission Unit: 0-0MAIN

Emission Point: 00001

Height (ft.): 36 Diameter (in.): 24
NYTMN (km.): 4704.2 NYTME (km.): 134.7 Building: 21

Emission Point: 00002

Height (ft.): 36 Diameter (in.): 24
NYTMN (km.): 4704.2 NYTME (km.): 134.7 Building: 21

Emission Point: 00003

Height (ft.): 3 Diameter (in.): 24
NYTMN (km.): 4704.2 NYTME (km.): 134.7 Building: 21

Emission Point: 00004

Height (ft.): 36 Diameter (in.): 10
Building: 21



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Emission P00005

Height (ft.): 12

Diameter (in.): 8

Building: 21

**Condition 31: Process Definition By Emission Unit
Effective between the dates of 01/15/2002 and Permit Expiration Date**

Applicable State Requirement: 6NYCRR 201-5

Item 31.1(From Mod 1):

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

Emission Unit: 0-0MAIN

Process: GAS

Source Classification Code: 1-02-004-01

Process Description: THE THREE POWERHOUSE BOILERS BURN NATURAL GAS.

Emission Source/Control: 00B01 - Combustion

Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B02 - Combustion

Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B03 - Combustion

Design Capacity: 10.46 million Btu per hour

Item 31.2(From Mod 1):

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

Emission Unit: 0-0MAIN

Process: GEN

Process Description:

This process consists of a Caterpillar Model 3412-01TA generator, rated at 550 kilowatts and a Cummins Model KTA 50-G1 generator, rated at 1025 kilowatts generator. These two generators will participate in New York State's Coordinated Energy Demand Reduction Program (CDRP) so the facility can provide peak shaving power generation to the state's electric power utility grid.

Emission Source/Control: OGENO - Combustion

Design Capacity: 550 kilowatts

Item 31.3(From Mod 1):

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

Emission Unit: 0-0MAIN

Process: OIL

Source Classification Code: 1-02-004-01

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Process Description: THE THREE POWERHOUSE BOILERS BURN NO.2 FUEL OIL.

Emission Source/Control: 00B01 - Combustion
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B02 - Combustion
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B03 - Combustion
Design Capacity: 10.46 million Btu per hour