



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-1402-00643/00019  
Effective Date: 02/02/2005 Expiration Date: 01/20/2010

Permit Issued To: HORIZON POWER INC  
6363 MAIN ST  
BUFFALO, NY 14221-5881

Contact: KEVIN D COTTER  
C/O HORIZON POWER INC  
6363 MAIN ST  
BUFFALO, NY 14221-5887  
(716) 857-7631

Facility: BLACK ROCK FACILITY  
620 MILITARY ROAD  
BUFFALO, NY 14217

Description:

**BLACK ROCK FACILITY**  
**DESCRIPTION**

The Black Rock Facility, owned and operated by Horizon Power, Inc. in Buffalo, New York is a merchant power plant that will generate electricity using a stationary gas turbine, duct burner and heat recovery steam generator (HRSG). The electric power will be sold via the regional power grid. The design output for the plant is 62 megawatts (nominal). The Black Rock Facility requires both a Title V Facility Permit and a Title IV Phase II Acid Rain Permit to construct and operate this power plant.

The title V permit includes three emission units: 1-GASTR, 1-STENG and 1-COMPR. Emission Unit 1-GASTR, an affected unit under the Title IV Acid Rain Program, consists of the combustion turbine and duct burner, which corresponds to Emissions Sources TB001 and DB001, respectively. This emission unit consists of three processes: TB1, the combustion turbine and duct burner firing on natural gas; TB2, the combustion turbine firing on natural gas without the duct burner and DB1, the exclusive firing of the duct burner using natural gas. Exhaust gases from these processes are discharged to the atmosphere through Emission Point CTG01. Emission Unit 1-STENG consists of one source, STENG and one process, ST1, which is a Detroit Diesel, diesel-fired internal combustion engine used in the start-up of the combustion turbine and to spin the turbine during off-line washes. The rated capacity of the start-up engine is 600 brake horsepower (Bhp). Process exhaust gases are discharged to the atmosphere through Emission Point ENG01. Emission Unit 1-COMPR consists of one source, COMP1 and one process, CE1 which is a Gardner Denver diesel-fired internal combustion engine used to compress air. This engine has an energy output of 44 Bhp. Process exhaust gases are discharged to the atmosphere through Emission Point COMPR. Activities at the facility, exempt from Part 201



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9140200643**

permitting, include a 3-cell mechanical draft wet cooling tower, a 3,400 gallon 93% sulfuric acid (H<sub>2</sub>SO<sub>4</sub>) tank, a 3,400 gallon NaOH tank, a 750 gallon sulfuric acid tank, a 300 gallon diesel tank, a 300 gallon waste oil tank, a 500 gallon underground waste oil tank, and a lube oil reservoir serving the steam turbine.

The stationary combustion turbine is a General Electric Frame 6 Model PG 6541B combustion turbine/electric generator set permitted to operate at base load (100% power output), at part loads (between 80% and 100% of full load capacity) and to fire natural gas only. To control oxides of nitrogen (NO<sub>x</sub>) emissions, the turbine is equipped with a dry low-NO<sub>x</sub> combustion system. Rated heat input of the combustion turbine is approximately 464 million Btus per hour (mmBtu/hr) at 47.7 degrees Fahrenheit inlet air temperature. Exhaust gases from the combustion turbine are passed through a Deltak HRSG, which is equipped with a 175 mmBtu/hr duct burner for supplemental firing. The HRSG produces high and intermediate pressure steam to be utilized by the steam turbine for generating electricity. Exhaust gases exiting the HRSG are discharged through Emission Point CTG01, which has a 10 feet 11 inch diameter (ID) stack at 160 feet above grade.

The facility is required to monitor NO<sub>x</sub>, carbon monoxide (CO), and oxygen (O<sub>2</sub>) levels in the exhaust gas at emission point CTG01, with a continuous emissions monitoring system (CEMS). Since the facility is subject to NO<sub>x</sub> Budget and Acid Rain Programs, 40 CFR Part 75 year-round monitoring of NO<sub>x</sub>, sulfur dioxide (SO<sub>2</sub>), carbon dioxide (CO<sub>2</sub>) and flowrate is required. The Facility is "gas-fired", therefore alternative methods will be used to monitor SO<sub>2</sub> emissions, including fuel flow monitoring and fuel sulfur content reconciliation. Furthermore, diluent gas O<sub>2</sub> will be monitored, in lieu of CO<sub>2</sub>, under provisions allowed within the Acid Rain program. NO<sub>x</sub> concentrations in the exhaust gas will be determined using a Rosemount Analytical Model 951A/LT NO/NO<sub>x</sub> chemiluminescent analyzer. The NO<sub>x</sub> analyzer has dual ranges of 25 parts per million (ppm) and 100 ppm with automatic range selection depending on the concentration. CO concentrations will be determined using a Siemens Ultramat 5E nondispersive infrared analyzer. The CO analyzer has dual ranges of 50 ppm and 200 ppm with an automatic range selection depending upon concentration. O<sub>2</sub> concentrations will be determined using a Siemens Oxymat 5E paramagnetic analyzer with a full scale range of 25 percent. Emission concentrations will be monitored using an Allen-Bradley SLC503 Programmable Logic Controller, which is linked to a PC for data acquisition, storage and reporting. Fuel flow will be monitored using Hoffer Ho series turbine flow meters (measured fuel flow, which is pressure and temperature compensated, is displayed and totalized on the CEMS) and natural gas sulfur content will be determined from data contained within monthly natural gas sampling reports.

Horizon has agreed to accept operating limits for NO<sub>x</sub> emissions to maintain synthetic minor status with respect to 6 NYCRR Subpart 231-2 "New Source Review in Nonattainment and Ozone Transport Regions" (NNSR) and 6NYCRR Subpart 227-2 - Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO<sub>x</sub>) (NO<sub>x</sub> RACT). Specifically, facility operations will be limited such that annual emissions of NO<sub>x</sub> will be less than the major source thresholds of 100 tpy specified in 6 NYCRR231-2.12 and 6NYCRR227-2. The facility potential to emit CO is capped at less than the 100 tpy applicability threshold specified in Title 40 of the Code of Federal Regulations Subpart 52.21 (40 CFR 52.21), "Prevention of significant deterioration of air quality (PSD)". All other regulated pollutants have a potential to emit (PTE) less than the applicability thresholds for PSD and NNSR. Although facility potential annual emissions will be below major source Title V applicability thresholds, the Facility is subject to the Title V program as a Title IV Acid Rain Program affected unit as specified under 6 NYCRR Part 201-6.1(4). To maintain annual NO<sub>x</sub> emissions to below the Subpart 231-2 applicability



**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9140200643**

limit, a dry low-NOx burner is utilized in the combustion turbine. A CEMS is utilized to monitor NOx emissions from EP CTG01 to verify compliance with the limits specified in the permit, and to comply with the monitoring requirements of the NOx Budget and Acid Rain programs. Since CO emissions increase with decreasing NOx levels due to the control of NOx emissions from the combustion processes, CO emissions are monitored with a CEMS to ensure annual emissions remain below the major source thresholds specified in 40 CFR 52.21. The Facility is also subject to 6 NYCRR Subpart 225-1, "Fuel Composition and Use - Sulfur Limitations", which restricts the sulfur content of fuel used in 1-STENG and 1-COMPR to 1.5% by weight or less. The gas turbine and duct burner are also subject to 40 CFR 60, New Source Performance Standards, Subpart GG and Subpart Db, respectively. The gas turbine/duct burner are subject to the requirements of 6 NYCRR Part 204 "NOx Budget Trading Program", 40 CFR Parts 72-78, "Acid Rain Program", 6 NYCRR 237 "Acid Deposition Reduction NOx Budget Trading Program" and 6 NYCRR 238 "Acid Deposition Reduction SO2 Budget Trading Program". Emission Points CTG01 and ENG01 are subject to the smoke emission and corrective action requirements of 6 NYCRR Subpart 227-1, "Stationary Combustion Installations". Emission Unit 1-STENG is subject to the particulate limit of 0.10 lb/MMBTU specified under 6 NYCRR227.2(b)(1).

The Title V Facility Permit contains a complete listing of the applicable federal, state and compliance monitoring requirements for the facility, its emission units, emission points, processes and sources. The Title IV Phase II Acid Rain Permit is contained in Appendix A of the Title V Permit.

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

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

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



**Notification of Other State Permittee Obligations**

**Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

Submission of Applications for Permit Modification or Renewal -REGION 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 3: Applications for Permit Renewals and Modifications**  
**Applicable State Requirement: 6NYCRR 621.13**

**Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3:**

**New York State Department of Environmental Conservation**  
**Facility DEC ID: 9140200643**



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

**Item 4.1:**

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

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

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

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

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2999  
(716) 851-7165



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

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

**IDENTIFICATION INFORMATION**

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6363 MAIN ST  
BUFFALO, NY 14221-5881

Facility: BLACK ROCK FACILITY  
620 MILITARY ROAD  
BUFFALO, NY 14217

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

Permit Effective Date: 02/02/2005

Permit Expiration Date: 01/20/2010



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 1 6NYCRR 200.3: False statement
- 2 6NYCRR 201-6: Emission Unit Definition
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 201-6.5(g): Non Applicable requirements
- 8 6NYCRR 202-2.1: Compliance Certification
- 9 6NYCRR 202-2.5: Recordkeeping requirements
- 10 6NYCRR 207: Submittal of Episode Action Plans
- 11 6NYCRR 225-1.2(a)(2): Compliance Certification
- 12 6NYCRR 225-1.8(a): Compliance Certification
- 13 6NYCRR 227-1.3(a): Compliance Certification
- 14 40CFR 68: Accidental release provisions.
- 15 40CFR 82, Subpart F: Recycling and Emissions Reduction

#### Emission Unit Level

- 16 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 17 6NYCRR 201-6: Process Definition By Emission Unit

#### EU=1-GASTR

- 18 6NYCRR 201-6: Compliance Certification
- 19 6NYCRR 201-6: Compliance Certification
- 20 6NYCRR 201-6: Compliance Certification
- 21 6NYCRR 204-1.4: Compliance Certification
- 22 6NYCRR 204-2.1: Submissions to the Department.
- 23 6NYCRR 204-4.1: Content of reports and compliance certifications.
- 24 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 25 6NYCRR 204-8.1: General provisions.
- 26 6NYCRR 204-8.1: Prohibitions.
- 27 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 28 6NYCRR 204-8.1: Compliance Certification
- 29 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 30 6NYCRR 204-8.3: Out of control periods.
- 31 6NYCRR 204-8.4: Compliance Certification
- 32 6NYCRR 204-8.7: Compliance Certification
- 33 40CFR 60, NSPS Subpart A: Applicability of General Provisions of 40 CFR 60 Subpart A
- 34 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
- 35 40CFR 60.7(a), NSPS Subpart A: Compliance Certification
- 36 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 37 40CFR 60.7(c), NSPS Subpart A: Compliance Certification
- 38 40CFR 60.7(d), NSPS Subpart A: Excess Emissions Report



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

- 39 40CFR 60.7(e), NSPS Subpart A: Monitoring frequency waiver.
- 40 40CFR 60.7(f), NSPS Subpart A: Compliance Certification
- 41 40CFR 60.11(a), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 42 40CFR 60.11(d), NSPS Subpart A: Compliance with Standards and Maintenance Requirements
- 43 40CFR 60.12, NSPS Subpart A: Circumvention.
- 44 40CFR 60.330, NSPS Subpart GG: Compliance Certification
- 45 40CFR 60.332(a), NSPS Subpart GG: Compliance Certification
- 46 40CFR 60.333(b), NSPS Subpart GG: Compliance Certification
- 47 40CFR 60.334(e), NSPS Subpart GG: Compliance Certification
- 48 40CFR 60.334(h)(3), NSPS Subpart GG: Compliance Certification
- 49 40CFR 60.334(j), NSPS Subpart GG: Compliance Certification
- 50 40CFR 60.335(a), NSPS Subpart GG: Test methods and procedures for performance tests
- 51 40CFR 60.335(b), NSPS Subpart GG: Compliance Certification
- 52 40CFR 72: Facility Subject to Title IV Acid Rain Regulations and Permitting

**EU=1-GASTR,Proc=DB1,ES=DB001**

- 53 40CFR 60.40b, NSPS Subpart Db: Compliance Certification
- 54 40CFR 60.44b(a)(4), NSPS Subpart Db: Standard for oxides of nitrogen.
- 55 40CFR 60.44b(h), NSPS Subpart Db: Applicability of oxides of nitrogen standard.
- 56 40CFR 60.44b(i), NSPS Subpart Db: Averaging period.
- 57 40CFR 60.46b, NSPS Subpart Db: Compliance Certification
- 58 40CFR 60.48b(h), NSPS Subpart Db: Compliance Certification
- 59 40CFR 60.49b(a), NSPS Subpart Db: Compliance Certification
- 60 40CFR 60.49b(b), NSPS Subpart Db: Compliance Certification
- 61 40CFR 60.49b(d), NSPS Subpart Db: Compliance Certification
- 62 40CFR 60.49b(g), NSPS Subpart Db: Compliance Certification

**EU=1-GASTR,EP=CTG01**

- 63 6NYCRR 231-2: Compliance Certification

**EU=1-STENG**

- 64 6NYCRR 227.2(b)(1): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 65 ECL 19-0301: Contaminant List
- 66 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 67 6NYCRR 201-7: Facility Permissible Emissions
- \*68 6NYCRR 201-7: Capping Monitoring Condition
- \*69 6NYCRR 201-7: Capping Monitoring Condition
- 70 6NYCRR 211.2: Air pollution prohibited
- 71 6NYCRR 237-1.6(g): Effect on other Authorities
- 72 6NYCRR 238-1.6(f): Liability
- 73 6NYCRR 238-1.6(g): Effect on Other Authorities

**Emission Unit Level**

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**EU=1-GASTR**

- 74 6NYCRR 237-1.4(a): Applicable Units, nameplate capacity of 25 MWe or greater
- 75 6NYCRR 237-1.6(a): Permit Requirements
- 76 6NYCRR 237-1.6(c): Compliance Demonstration
- 77 6NYCRR 237-1.6(e): Recordkeeping and Reporting Requirements
- 78 6NYCRR 237-1.6(f): Liability
- 79 6NYCRR 237-2: Authorization and responsibilities of the NOx authorized account representative
- 80 6NYCRR 237-4.1: Compliance Demonstration
- 81 6NYCRR 237-7.1: Submission of NOx allowance transfers
- 82 6NYCRR 237-8: Compliance Demonstration
- 83 6NYCRR 238-1.4: Applicability
- 84 6NYCRR 238-1.6(a): Permit Requirements
- 85 6NYCRR 238-1.6(c): Compliance Demonstration
- 86 6NYCRR 238-1.6(e): Compliance Demonstration
- 87 6NYCRR 238-2.1: Submissions to the Department
- 88 6NYCRR 238-4.1: Compliance Demonstration
- 89 6NYCRR 238-7.1: Submission of SO2 allowance transfers
- 90 6NYCRR 238-8: Compliance Demonstration

**EU=1-GASTR,EP=CTG01**

- \*91 6NYCRR 201-7: Capping Monitoring Condition

NOTE: \* preceding the condition number indicates capping.



**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**

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

**New York State Department of Environmental Conservation**

Permit ID: 9-1402-00643/00019

Facility DEC ID: 9140200643



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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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



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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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: False statement**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 200.3**

**Item 1.1:**

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

**Condition 2: Emission Unit Definition**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 2.1:**

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

Emission Unit: 1-COMPR

Emission Unit Description:

This emission unit (EU) consists of one source, COMP1, which is a Gardner Denver diesel fired internal combustion engine (ICE), with a maximum energy output of 44 brake



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

horsepower (bhp) (0.31 MMBTU/hr). This ICE will be used to operate an air compressor when compressed air from the turbine is unavailable or when power is not available to operate the backup electric air compressor. Even though this emission source is considered an exempt activity under 6NYCRR201-3.2(c)(3)(ii), this emission unit was created because NO<sub>x</sub> and CO emissions from this ICE must be included in the determination of Black Rock Facility's compliance with the facility-wide NO<sub>x</sub> and CO emission limits of 99.0 tons per year (tpy), each. The potential to emit (PTE) NO<sub>x</sub> from EU 1-COMPR is approximately 6 tpy. The PTE CO from EU 1-COMPR is approximately 1.3 tpy.

Building(s): CTG

**Item 2.2:**

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

Emission Unit: 1-GASTR

Emission Unit Description:

Emission unit 1GASTR represents two emission sources, TB001, a single General Electric Frame 6 Model 6541B combustion turbine rated at 464 MMBTU per hour (@ 47 degree F inlet air temperature) and DB001, a 175 MMBTU per hour Deltak supplementary fired heat recovery steam generator (HRSG) duct burner. The NO<sub>x</sub> emissions from TB001 are controlled by emission source control DLN01, a dry low NO<sub>x</sub> burner. The NO<sub>x</sub> and CO emissions from this emission unit will be calculated to determine compliance with the facility-wide caps on NO<sub>x</sub> and CO of 99.0 tons per year (tpy), each. The potential to emit (PTE) NO<sub>x</sub> from 1-GASTR is approximately 275 tpy. The PTE CO from 1-GASTR is approximately 119 tpy.

Building(s): CTG  
SAT

**Item 2.3:**

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

Emission Unit: 1-STENG

Emission Unit Description:

Emission unit 1STENG consists of one source, STENG, which is a Detroit Diesel diesel-fired internal combustion engine used to spin the combustion turbine to support start-up of the turbine, a process that takes approximately 15-minutes. Emission Source STENG is also used to spin the turbine during periods of off-line washing. The rated capacity of the start-up engine is



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

600 brake horsepower (bhp). The NO<sub>x</sub> and CO emissions from this emission unit will be calculated to determine compliance with the facility-wide caps on NO<sub>x</sub> and CO of 99.0 tons per year (tpy), each. The potential to emit (PTE) NO<sub>x</sub> from 1-STENG is approximately 87 tpy. The PTE CO from 1-STENG is approximately 18.7 tpy.

Building(s): CTG

**Condition 3: Recordkeeping and reporting of compliance monitoring  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 3.1:**

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

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

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

**Condition 4: Monitoring, Related Recordkeeping, and Reporting  
Requirements.  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 4.1:**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

**Condition 5: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



hours.

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

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

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.3(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

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

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

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

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

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 7/30/2005.

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

**Condition 6: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



- 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.

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



The address for the RAPCE is as follows:

270 Michigan Avenue  
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

Subsequent reports are due on the same day each year

**Condition 7: Non Applicable requirements**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 7.1:**

This section contains a summary of those requirements that have been specifically identified as being not applicable to this facility and/or emission units, emission points, processes and/or emission sources within this facility. The summary also includes a justification for classifying any such requirements as non-applicable.

40CFR 63-A

Reason: The Black Rock Facility has a facility-wide potential to emit (PTE) 3 tons of total hazardous air pollutants (HAPs) and a PTE individual HAPs of 1 tpy or less. The applicability thresholds specified in 40CFR63 for total HAPs and individual HAPs are 25 tpy and 10 tpy, respectively. Therefore, MACT standards for specific categories of stationary sources present at the Black Rock Facility will not apply.

**Condition 8: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 8.1:**

The Compliance Certification activity will be performed for the Facility.

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**Item 8.2:**

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 9: Recordkeeping requirements**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 9.1:**

(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 10: Submittal of Episode Action Plans**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 207**

**Item 10.1:**

An episode action plan must be submitted for approval by the Department in accordance with the requirements of 6NYCRR Part 207. The plan shall contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

**Condition 11: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

**Item 11.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 11.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

No person shall use, purchase, sell, or offer for sale any distillate fuel oil which has a sulfur content greater than the limit presented below. A log of the sulfur content in oil per delivery must be maintained on site for a minimum of five years after the date of the last entry.

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 2880-71

Monitoring Frequency: PER DELIVERY

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 7/30/2005.

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

**Condition 12: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 225-1.8(a)**

**Item 12.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 12.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Certification from the fuel oil supplier is required for each shipment of oil received. Such certifications shall contain, at a minimum: supplier name, date of shipment,

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



quantity shipped, heating value of the oil, oil sulfur content, and the method used to determine the sulfur content. Records of certification, purchase, usage, stack sampling and any other procedures conducted to ensure compliance with the provisions of 6 NYCRR Part 225-1 must be available to the commissioner or his/her representative for inspection during normal business hours. All records shall be retained onsite for at least five years and copies shall be furnished upon request.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

**Condition 13: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 13.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 13.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity (on a six minute block period) except for one six minute block 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.

Operators of air contamination sources, that are not exempt from permitting requirements and where a continuous opacity monitor is not utilized for measuring smoke emissions, shall be required to perform the

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



following:

- 1) Observe the stack(s) or vent(s) once per day for visible emissions, while sources are operating. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).
- 2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack: the date, time of day, weather conditions, observer's name, and whether a plume was observed. Inclement weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry and shall be available for inspection by USEPA and/or Department representatives upon request.
- 3) If the operator observes any visible emissions (other than steam - see below) two consecutive days, then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

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

All stationary combustion installations shall be operated and maintained according to manufacturer's specifications to insure proper performance and compliance with the



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

regulatory limit for opacity. The manufacturer's maintenance requirements and procedures shall be available for review at all times. Records demonstrating hours of operation, fuel usage, and maintenance performed for these sources shall be kept onsite for five years and be readily available to NYSDEC representatives upon request.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

**Condition 14: Accidental release provisions.  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 68**

**Item 14.1:**

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 15: Recycling and Emissions Reduction  
Effective between the dates of 02/02/2005 and 01/20/2010**



**New York State Department of Environmental Conservation**

Permit ID: 9-1402-00643/00019

Facility DEC ID: 9140200643

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

**Item 15.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

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

**Condition 16: Emission Point Definition By Emission Unit  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 16.1:**

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

Emission Unit: 1-COMPR

Emission Point: COMPR

Height (ft.): 3

Diameter (in.): 3

NYTMN (km.): 4762.52 NYTME (km.): 182.429 Building: CTG

**Item 16.2:**

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

Emission Unit: 1-GASTR

Emission Point: CTG01

Height (ft.): 160

Diameter (in.): 131

NYTMN (km.): 4762.52 NYTME (km.): 182.429 Building: CTG

**Item 16.3:**

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

Emission Unit: 1-STENG

Emission Point: ENG01

Height (ft.): 18

Diameter (in.): 12

NYTMN (km.): 4762.52 NYTME (km.): 182.429 Building: CTG

**Condition 17: Process Definition By Emission Unit  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 17.1:**

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Emission Unit: 1-COMPR

Process: CE1

Source Classification Code: 2-02-001-02

Process Description:

Process CE1 represents the operation of the Gardner Denver internal combustion engine with distillate oil.

Emission Source/Control: COMP1 - Combustion

Design Capacity: 44 horsepower (electric)

**Item 17.2:**

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

Emission Unit: 1-GASTR

Process: DB1

Source Classification Code: 1-02-006-01

Process Description:

Process DB1 represents exclusive firing of the duct burner using natural gas. The quantity per hour throughput of 0.1716 million cubic feet gas represents maximum firing of the duct burner on natural gas with a higher heating value of 1020 BTU/cubic foot.

Emission Source/Control: DB001 - Combustion

Design Capacity: 175 million Btu per hour

**Item 17.3:**

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

Emission Unit: 1-GASTR

Process: TB1

Source Classification Code: 2-02-002-03

Process Description:

Process TB1 represents the GE Frame 6 combustion turbine and Deltak duct burner both on-line and both firing natural gas. The quantity per hour throughput of 0.6269 million cubic feet gas represents maximum firing of both units firing natural gas with a higher heating value of 1020 BTU/cubic foot.

Emission Source/Control: DB001 - Combustion

Design Capacity: 175 million Btu per hour

Emission Source/Control: TB001 - Combustion

Design Capacity: 464.4 million Btu per hour

Emission Source/Control: DLN01 - Control

Control Type: DRY LOW NO<sub>x</sub> BURNER

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**Item 17.4:**

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

Emission Unit: 1-GASTR

Process: TB2

Source Classification Code: 2-02-002-01

Process Description:

Process TB2 represents the GE Frame 6 combustion turbine on-line and firing natural gas and the Deltak duct burner off-line. The quantity per hour throughput of 0.4553 million cubic feet gas represents maximum firing of the combustion turbine on natural gas with a higher heating value of 1020 BTU/cubic foot.

Emission Source/Control: TB001 - Combustion

Design Capacity: 464.4 million Btu per hour

Emission Source/Control: DLN01 - Control

Control Type: DRY LOW NO<sub>x</sub> BURNER

**Item 17.5:**

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

Emission Unit: 1-STENG

Process: ST1

Source Classification Code: 2-02-001-02

Process Description:

Process ST1 represents operation of the Detroit Diesel internal combustion engine with distillate fuel oil. The quantity per hour throughput of 32 gallons per hour represents maximum firing of the engine on distillate oil with a higher heating value of 140000 btu per gallon.

Emission Source/Control: STENG - Combustion

Design Capacity: 600 horsepower (mechanical)

**Condition 18: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 18.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

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

CAS No: 000630-08-0 CARBON MONOXIDE



**Item 18.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

To comply with the CO and NO<sub>x</sub> limits specified in this title V permit, the gas turbine shall not operate below 80 percent load, except during startup and shutdown (conducted in accordance with an approved startup/shutdown plan). Power output shall be monitored and recorded continuously to verify compliance with this limit. These records shall be kept on site for five years and shall be available for review upon request.

Parameter Monitored: ELECTRICAL OUTPUT

Lower Permit Limit: 80 percent

Monitoring Frequency: CONTINUOUS

Averaging Method: MINIMUM-NOT TO FALL BELOW EXCEPT  
DURING STARTUP/SHUTDOWN

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2005.

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

**Condition 19: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 19.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

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

CAS No: 000630-08-0    CARBON MONOXIDE

**Item 19.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Black Rock Facility shall submit to the NYSDEC for



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

review and approval, a startup/shutdown (SU/SD) plan for the stationary gas turbine. Minute-by-minute CO and NOx emissions data shall be collected from the certified CEMS for startup and shutdown periods during the first year of operation. The plan shall evaluate CO and NOx emissions data generated during normal SU/SD periods throughout the year and propose emission limits for CO and NOx. The startup and shutdown periods, based on actual operation, shall also be defined in the plan. The startup period shall be the time required to reach the minimum allowable operating load of 80 % power output after turbine ignition. The shutdown period shall commence with the reduction in load to less than 80% until turbine operation ceases. The NYSDEC approved SU/SD plan shall become part of the title V permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 20: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 20.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

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

**Item 20.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To ensure compliance with the annual ton per year CO limit to avoid the requirements of PSD, the facility shall monitor heat input in the turbine/HRSG, as a back-up to the data collected by the CEMS. During CEMS downtime, for each hour of missing data, heat input to the turbine or turbine/duct burner will be determined and the lb/mmbtu emission limit for CO applied to calculate the missing



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

values on a pound per hour basis. Missing data for NO<sub>x</sub> emissions shall be determined in accordance with 40CFR75 to verify compliance with the NSR and NO<sub>x</sub> RACT CAP.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2005.

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

**Condition 21: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-1.4**

**Item 21.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

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

**Item 21.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In accordance with 6NYCRR204-1.4(a)(1), any source that includes one or more electricity generating units shall be a NO<sub>x</sub> Budget source, subject to the requirements of this Part. An electricity generating unit is defined as any unit that, any time on or after January 1, 1995, serves a generator with a nameplate capacity equal to or greater than 15 MWe and sells any amount of electricity. The Black Rock Facility is a merchant power plant that operates a combined cycle system, as defined under 6NYCRR204-1.2, that can generate up to a total of 62 MWe (nominal) at 47.7 degrees Fahrenheit. Considering this, the Black Rock Facility operates a NO<sub>x</sub> Budget Source subject to the requirements of 6NYCRR204. The facility owner is responsible for reviewing this part in detail and complying with all applicable monitoring, recordkeeping, and reporting requirements.



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 22: Submissions to the Department.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-2.1**

**Item 22.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 22.2:** Each submission under the 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 submission shall include a certification statement (as stated in paragraph 204-2.4(a)(4)) by the NOx authorized account representative.

**Condition 23: Content of reports and compliance certifications.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-4.1**

**Item 23.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 23.2:** 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; and
- (2) 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:
  - (i) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
  - (ii) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with Subpart 204-8;
  - (iii) 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 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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

resubmissions has been made;

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

(v) If a change is required to be reported under item (iv) 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.

**Condition 24: Submission of NOx allowance transfers.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-7.1**

**Item 24.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 24.2:** The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx 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 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 25: General provisions.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 25.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 25.2:** The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx Budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

**Condition 26: Prohibitions.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.1**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

**Item 26.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 26.2:** No owner or operator of a NO<sub>x</sub> Budget unit or a non-NO<sub>x</sub> Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

(1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;

(2) operate the unit so as to discharge, or allow to be discharged, NO<sub>x</sub> emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;

(3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO<sub>x</sub> mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and

(4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:

(i) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the Department for use at that unit that provides emission data for the same pollutant or parameter as the discontinued monitoring system; or

(ii) The NO<sub>x</sub> authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).

**Condition 27: Requirements for installation, certification, and data accounting.**

**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 27.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 27.2:** The owner or operator of each NO<sub>x</sub> Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO<sub>x</sub> 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<sub>x</sub> mass. This includes all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> 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<sub>x</sub> allowance allocations.

(3) Successfully complete all certification tests required under Section 204-8.2 and meet all other



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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 28: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.1**

**Item 28.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a NO<sub>x</sub> Budget unit under paragraphs (b)(2) or (b)(3) of this section must determine, record and report NO<sub>x</sub> mass, heat input (if required for purposes of allocations) and any other values required to determine NO<sub>x</sub> Mass (e.g. NO<sub>x</sub> emission rate and heat input or NO<sub>x</sub> concentration and stack flow) using the provisions of 40 CFR 75.70(g), from the date and hour that the unit starts operating until all required certification tests are successfully completed.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 29: Requirements for recertification of monitoring systems.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.2**

**Item 29.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 29.2:** 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<sub>x</sub> 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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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 30: Out of control periods.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.3**

**Item 30.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 30.2:** 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 31: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.4**

**Item 31.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The Authorized Account Representative for a NO<sub>x</sub> 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 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.

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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  
401 M Street SW (6204J)  
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  
Albany N.Y. 12233-3258

ACR 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 32: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 204-8.7**

**Item 32.1:**

The Compliance Certification activity will be performed for:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Emission Unit: 1-GASTR

**Item 32.2:**

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 NOx Mass emissions using a NOx 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.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 33: Applicability of General Provisions of 40 CFR 60 Subpart A Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60, NSPS Subpart A**

**Item 33.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 33.2:**

This emission source is subject to the applicable General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements.

**Condition 34: EPA Region 2 address. Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 34.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 34.2:**

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

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

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

NYSDEC Regional Office issuing this permit (see address at the beginning of this permit) and to the following address:

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

**Condition 35: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 35.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

(1) A notification of the date construction (or reconstruction as defined under § 60.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

(3) A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

(4) A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in § 60.14(e). This notice shall be

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional relevant information subsequent to this notice.

(5) A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with § 60.13(c). Notification shall be postmarked not less than 30 days prior to such date.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 36: Recordkeeping requirements.**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 36.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 36.2:**

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

**Condition 37: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 37.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 37.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Monitoring Description:

(c) Each owner or operator required to install a continuous monitoring device shall submit excess emissions and monitoring systems performance report (excess emissions are defined in applicable subparts) and-or summary report form (see paragraph (d) of this section) to the Administrator semiannually, except when: more frequent reporting is specifically required by an applicable subpart; or the Administrator, on a case-by-case basis, determines that more frequent reporting is necessary to accurately assess the compliance status of the source. All reports shall be postmarked by the 30th day following the end of each six-month period. Written reports of excess emissions shall include the following information:

(1) The magnitude of excess emissions computed in accordance with § 60.13(h), any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions. The process operating time during the reporting period.

(2) Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

(3) The date and time identifying each period during which the continuous monitoring system was inoperative except for zero and span checks and the nature of the system repairs or adjustments.

(4) When no excess emissions have occurred or the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be stated in the report.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 38: Excess Emissions Report**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

**Item 38.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 38.2:**

A summary report form, for each pollutant monitored, shall be sent to the Administrator in the form prescribed in Figure 1 of 40 CFR Part 60.7(d).

**Condition 39: Monitoring frequency waiver.**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 39.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 39.2:** Notwithstanding the frequency of reporting requirements specified in paragraph (c) of this section, an owner or operator who is required by an applicable subpart to submit excess emissions and monitoring systems performance reports (and summary reports) on a quarterly (or more frequent) basis may reduce the frequency of reporting for that standard to semiannual if the conditions in 40 CFR 60.7(e) are met.

**Condition 40: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 40.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

f) Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for five years following the date of such measurements, maintenance, reports, and records,

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



except as described in this section.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 41: Compliance with Standards and Maintenance Requirements  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 41.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 41.2:**

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

**Condition 42: Compliance with Standards and Maintenance Requirements  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 42.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 42.2:**

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

**Condition 43: Circumvention.  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.12, NSPS Subpart A**

**Item 43.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 43.2:**

No owner or operator subject to the provisions of this part shall build, erect, install, or use any article, machine, equipment or process, the use of which conceals an emission which would otherwise

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



constitute a violation of an applicable standard. Such concealment includes, but is not limited to, the use of gaseous diluents to achieve compliance with an opacity standard or with a standard which is based on the concentration of a pollutant in the gases discharged to the atmosphere.

**Condition 44: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.330, NSPS Subpart GG**

**Item 44.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

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

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Applicability and designation of affected facility.

(a) The provisions of this subpart are applicable to the following affected facilities: All stationary gas turbines with a heat input at peak load equal to or greater than 10.7 gigajoules (10 million Btu) per hour, based on the lower heating value of the fuel fired.

The requirements specified in this Part apply to the stationary gas turbine contained in EU 1-GASTR, which has a maximum heat input of 464.4 million Btu per hour at 47.7 degree Fahrenheit. The facility owner is responsible for reviewing this part in detail and complying with all applicable monitoring, recordkeeping, and reporting requirements.

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 7/30/2005.

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

**Condition 45: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 45.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

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

**Item 45.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

(a) On and after the date on which the performance test required by §60.8 is completed, every owner or operator subject to the provisions of this subpart as specified in paragraphs (b), (c), and (d) of this section shall comply with one of the following, except as provided in paragraphs (e), (f), (g), (h), (i), (j), (k), and (l) of this section.

(1) No owner or operator subject to the provisions of this subpart shall cause to be discharged into the atmosphere from any stationary gas turbine, any gases which contain nitrogen oxides in excess of 75 ppm at 15 percent oxygen on a dry basis. The Black Rock Facility operates a gas turbine (Process TB1, Emission Source TB001 and Process TB2) equipped with a low NO<sub>x</sub> burner to control NO<sub>x</sub> emissions. A continuous emission monitor system (CEMS) in the gas turbine/duct burner exhaust stack is utilized to monitor NO<sub>x</sub> emissions from the gas turbine.

Manufacturer Name/Model Number: RoemountAnalytical Model951A/LT NO/NO<sub>x</sub> chemiluminescent analyzer

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 75 parts per million by volume (dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA Method 7E and either EPA Method 3 or 3A

Monitoring Frequency: CONTINUOUS

Averaging Method: 4-HOUR ROLLING AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

The initial report is due 4/30/2005.

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

**Condition 46: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 46.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 46.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a stationary gas turbine subject to 40CFR60 Subpart GG shall burn in that turbine any fuel which contains sulfur in excess of 0.8 percent by weight. Compliance with this limit shall be met by demonstrating that the gaseous fuel combusted in the stationary gas turbine meets the definition of natural gas in 40CFR60.331(u) as specified under 40CFR60.334(h)(3).

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 20 grains per 100 scf

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

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 7/30/2005.

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

**Condition 47: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 47.1:**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**Item 47.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of any new turbine that commences construction after July 8, 2004, and which does not use water or steam injection to control NOX emissions may elect to use a NOX CEMS installed, certified, operated, maintained, and quality-assured as described in paragraph (b) of 40 CFR 60.334. An acceptable alternative to installing a CEMS is described in paragraph (f) of 40 CFR 60.334.

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2005.

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

**Condition 48: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.334(h)(3), NSPS Subpart GG**

**Item 48.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 48.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Notwithstanding the provisions of paragraph (h)(1) of 40 CFR 60.334(h), the owner or operator may elect not to monitor the total sulfur content of the gaseous fuel combusted in the turbine, if the gaseous fuel is

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



demonstrated to meet the definition of natural gas in §60.331(u), regardless of whether an existing custom schedule approved by the administrator for subpart GG requires such monitoring. The owner or operator shall use one of the following sources of information to make the required demonstration:

(i) The gas quality characteristics in a current, valid purchase contract, tariff sheet or transportation contract for the gaseous fuel, specifying that the maximum total sulfur content of the fuel is 20.0 grains/100 scf or less; or

(ii) Representative fuel sampling data which show that the sulfur content of the gaseous fuel does not exceed 20 grains/100 scf. At a minimum, the amount of fuel sampling data specified in section 2.3.1.4 or 2.3.2.4 of appendix D to 40 CFR part 75 of this chapter is required.

If a fuel qualifies as natural gas based on the specifications in a fuel contract or tariff sheet, no additional, on-going sampling of the fuel's total sulfur content is required, provided that the contract or tariff sheet is current, valid and representative of the fuel combusted in the unit. If the fuel qualifies as natural gas based on fuel sampling and analysis, the owner or operator shall sample the fuel for total sulfur content at least annually and when the fuel supply source changes. Sampling "annually" means that at least one sample is taken in each calendar year.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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 7/30/2005.

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

**Condition 49: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 49.1:**

The Compliance Certification activity will be performed for:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Emission Unit: 1-GASTR

**Item 49.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each affected unit required to continuously monitor parameters or emissions, or to periodically determine the fuel sulfur content or fuel nitrogen content under this subpart, the owner or operator shall submit reports of excess emissions and monitor downtime, in accordance with §60.7(c). Excess emissions shall be reported for all periods of unit operation, including start-up, shutdown and malfunction. For the purpose of reports required under §60.7(c), periods of excess emissions and monitor downtime that shall be reported are defined in 40 CFR 60 Subpart GG-334(j)(1) - (5).

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 4/30/2005.

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

**Condition 50: Test methods and procedures for performance tests  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 50.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 50.2:**

The owner or operator shall conduct the performance tests required in §60.8, using either

(1) EPA Method 20,

(2) ASTM D6522-00 (incorporated by reference, see §60.17), or

(3) EPA Method 7E and either EPA Method 3 or 3A in appendix A to 40 CFR 60, to determine NOX and diluent concentration.



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

(4) Sampling traverse points are to be selected following Method 20 or Method 1, (non-particulate procedures) and sampled for equal time intervals. The sampling shall be performed with a traversing single-hole probe or, if feasible, with a stationary multi-hole probe that samples each of the points sequentially. Alternatively, a multi-hole probe designed and documented to sample equal volumes from each hole may be used to sample simultaneously at the required points.

(5) Notwithstanding paragraph (4) above, the owner or operator may test at few points than are specified in Method 1 or Method 20 if the conditions listed in 40 CFR 60.335(a)(5).

**Condition 51: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 51.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Regulated Contaminant(s):

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

**Item 51.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

b) The owner or operator shall determine compliance with the applicable nitrogen oxides emission limitation in §60.332 and shall meet the performance test requirements of §60.8 as follows:

(3) For a combined cycle turbine system with supplemental heat (duct burner), the owner or operator may elect to measure the turbine NOX emissions after the duct burner rather than directly after the turbine. If the owner or operator elects to use this alternative sampling location, the applicable NOX emission limit in §60.332 for the combustion turbine must still be met.

(6) If the owner or operator elects to install a CEMS, the performance evaluation of the CEMS may either be conducted separately (as described in paragraph (b)(7) of this section) or as part of the initial performance test of the affected unit.

(7) If the owner or operator elects to install and certify



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

a NOX CEMS under §60.334(e), then the initial performance test required under §60.8 may be done in the following alternative manner:

(i) Perform a minimum of 9 reference method runs, with a minimum time per run of 21 minutes, at a single load level, between 90 and 100 percent of peak (or the highest physically achievable) load.

(ii) Use the test data both to demonstrate compliance with the applicable NOX emission limit under §60.332 and to provide the required reference method data for the RATA of the CEMS described under §60.334(b).

(iii) The requirement to test at three additional load levels is waived.

Upper Permit Limit: 75 parts per million by volume (dry, corrected to 15% O<sub>2</sub>)

Reference Test Method: EPA Method 7E and either EPA Method 3 or 3A

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 52: Facility Subject to Title IV Acid Rain Regulations and Permitting**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 72**

**Item 52.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 52.2:**

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 an attachment to this permit.

**Condition 53: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.40b, NSPS Subpart Db**

**Item 53.1:**

The Compliance Certification activity will be performed for:



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

Emission Unit: 1-GASTR

Process: DB1

Emission Source: DB001

**Item 53.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The affected facility to which this subpart applies is each steam generating unit that commences construction, modification, or reconstruction after June 19, 1984, and that has a heat input capacity from fuels combusted in the steam generating unit of greater than 29 MW (100 million Btu/hour).

The Black Rock Facility operates a natural gas fired 175 mmbtu/hr duct burner to generate steam as part of a combined cycle gas turbine. In accordance with 40CFR60.40b(i), unless and until subpart GG of this part is revised to include steam generator units, subpart Db will continue to apply to combined cycle gas turbines that are capable of combusting more than 29 MW (100 million Btu/hour) heat input of fossil fuel in the steam generator. Only emissions resulting from combustion of fuels in the steam generating unit are subject to this subpart.

The facility owner is responsible for reviewing this part in detail, including updates, and complying with all applicable monitoring, recordkeeping, and reporting requirements.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 54: Standard for oxides of nitrogen.  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.44b(a)(4), NSPS Subpart Db**

**Item 54.1:**

This Condition applies to

Emission Unit: 1-GASTR

Process: DB1

Emission Source: DB001

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**Item 54.2:**

Oxides of nitrogen emissions while firing natural gas and/or distillate oil in a duct burner (used in a combined cycle system) shall not exceed 0.20 lb/mmBtu.

**Condition 55: Applicability of oxides of nitrogen standard.  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.44b(h), NSPS Subpart Db**

**Item 55.1:**

This Condition applies to Emission Unit: 1-GASTR  
Process: DB1 Emission Source: DB001

**Item 55.2:**

The emissions standard for oxides of nitrogen shall apply at all times including periods of startup, shutdown, and malfunction.

**Condition 56: Averaging period.  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.44b(i), NSPS Subpart Db**

**Item 56.1:**

This Condition applies to Emission Unit: 1-GASTR  
Process: DB1 Emission Source: DB001

**Item 56.2:**

Except as noted in paragraph (j) of this section, compliance with the emission limits shall be determined on a 30 day rolling average basis.

**Condition 57: Compliance Certification  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.46b, NSPS Subpart Db**

**Item 57.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR  
Process: DB1 Emission Source: DB001

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

**Item 57.2:**

Compliance Certification shall include the following monitoring:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

(a) The nitrogen oxides emission standards under §§ 60.44b apply at all times.

(c) Compliance with the nitrogen oxides emission standards under §§ 60.44b shall be determined through performance testing under paragraph (e) or (f), or under paragraphs (g) and (h) of this section, as applicable.

(f) To determine compliance with the emissions limits for NOX required by §§ 60.44b(a)(4) for duct burners used in combined cycle systems:

(2) The owner or operator of an affected facility may elect to determine compliance on a 30-day rolling average basis by using the continuous emission monitoring system for measuring NOX and oxygen and meet the requirements of §§ 60.48b. The sampling site shall be located at the outlet from the steam generating unit. The NOX emissions rate at the outlet from the steam generating unit shall constitute the NOX emissions rate from the duct burner of the combined cycle system.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.20 pounds per million Btus

Reference Test Method: 40CFR75

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 30-DAY ROLLING AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

**Condition 58: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.48b(h), NSPS Subpart Db**

**Item 58.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

Process: DB1

Emission Source: DB001

Regulated Contaminant(s):

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

**Item 58.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

h) The owner or operator of a duct burner, as described in § 60.41b, which is subject to the NOX standards of § 60.44b(a)(4) or § 60.44b(l) is not required to install or operate a continuous emissions monitoring system (CEMS) to measure NOX emissions. However, since the Black Rock Facility must install a NOx emission rate CEMS to meet the requirements of the 6 NYCRR Part 204 and Part 237, they have chosen to monitor NOx emissions from the steam generator via the CEMS in accordance with 40CFR48b.

Reference Test Method: 40CFR75

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 7/30/2005.

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

**Condition 59: Compliance Certification**

**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.49b(a), NSPS Subpart Db**

**Item 59.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Process: DB1

Emission Source: DB001

Regulated Contaminant(s):

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

**Item 59.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Monitoring Description:

a) The owner or operator of each affected facility shall submit notification of the date of initial startup, as provided by §§ 60.7. This notification shall include:

(1) The design heat input capacity of the affected facility and identification of the fuels to be combusted in the affected facility, and,

(3) The annual capacity factor at which the owner or operator anticipates operating the facility based on all fuels fired and based on each individual fuel fired.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 60: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.49b(b), NSPS Subpart Db**

**Item 60.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

Process: DB1

Emission Source: DB001

Regulated Contaminant(s):

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

**Item 60.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(b) The owner or operator of each affected facility subject to the nitrogen oxides emission limits under § 60.44b shall submit to the Administrator the performance test data from the initial performance test and the performance evaluation of the CEMS, if chosen to monitor NOx emissions.

Reference Test Method: 40CFR75

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 61: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.49b(d), NSPS Subpart Db**

**Item 61.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR  
Process: DB1                      Emission Source: DB001

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

**Item 61.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(d) The owner or operator of an affected facility shall record and maintain records of the amounts of each fuel combusted during each day and calculate the annual capacity factor individually for coal, distillate oil, residual oil, natural gas, wood, and municipal-type solid waste for the reporting period. The annual capacity factor is determined on a 12-month rolling average basis with a new annual capacity factor calculated at the end of each calendar month.

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 7/30/2005.

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

**Condition 62: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 40CFR 60.49b(g), NSPS Subpart Db**

**Item 62.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Process: DB1

Emission Source: DB001

Regulated Contaminant(s):

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

**Item 62.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(g) Except as provided under paragraph (p) of this section, the owner or operator of an affected facility subject to the nitrogen oxides standards under §§ 60.44b shall maintain records of the following information for each steam generating unit operating day:

(1) Calendar date.

(2) The average hourly nitrogen oxides emission rates (expressed as NO<sub>2</sub>) (ng/J or lb/million Btu heat input) measured or predicted.

(3) The 30-day average nitrogen oxides emission rates (ng/J or lb/million Btu heat input) calculated at the end of each steam generating unit operating day from the measured or predicted hourly nitrogen oxide emission rates for the preceding 30 steam generating unit operating days.

(4) Identification of the steam generating unit operating days when the calculated 30-day average nitrogen oxides emission rates are in excess of the nitrogen oxides emissions standards under §§ 60.44b, with the reasons for such excess emissions as well as a description of corrective actions taken.

(5) Identification of the steam generating unit operating days for which pollutant data have not been obtained, including reasons for not obtaining sufficient data and a description of corrective actions taken.

(6) Identification of the times when emission data have been excluded from the calculation of average emission rates and the reasons for excluding data.

(7) Identification of "F" factor used for calculations, method of determination, and type of fuel combusted.

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



(8) Identification of the times when the pollutant concentration exceeded full span of the continuous monitoring system.

(9) Description of any modifications to the continuous monitoring system that could affect the ability of the continuous monitoring system to comply with Performance Specification 2 or 3.

(10) Results of daily CEMS drift tests and quarterly accuracy assessments as required under appendix F, Procedure 1.

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 7/30/2005.

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

**Condition 63: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable Federal Requirement: 6NYCRR 231-2**

**Item 63.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-GASTR Emission Point: CTG01

Regulated Contaminant(s):

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

**Item 63.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The Black Rock facility shall comply with the NO<sub>x</sub> emission limit of 0.11 lb/mmBtu for the combustion turbine with and without HRSG based upon Higher Heating Value (HHV) of fuel. This limit shall apply at all loads, except startup and shutdown during which the limits specified in the Facility start-up/ shutdown plan apply.

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



The facility shall operate and maintain a CEMS to measure and record NOx emissions in the turbine/HRSG exhaust stack and to demonstrate compliance with the NOx limit. The CEMS will monitor NOx stack emissions in ppmvd @ 15% O2 and convert emissions to lb/mmBtu via continuous exhaust flow and fuel use monitoring. The CEMS shall meet the requirements specified in the Facility CEMS Monitoring and QA Plans which are based on 40CFR75.

Manufacturer Name/Model Number: Rosemount Analytical Model 951A/LT NO/NOx  
Chemiluminescent analyzer

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 0.11 pounds per million Btus

Reference Test Method: 40CFR75

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2005.

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

**Condition 64: Compliance Certification**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 64.1:**

The Compliance Certification activity will be performed for:

Emission Unit: 1-STENG

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 64.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The two hour average emission of particulates from this stationary combustion installation shall not exceed 0.10 pounds per million Btu of heat input.

Upon request the facility shall perform the following:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



- 1) Submit to the Department an acceptable protocol for the testing of particulate emissions in a manner that will determine compliance with the limit cited in this condition.
- 2) Perform a stack test, based upon the approved test protocol, to determine compliance with the particulate emission limit cited in this condition.
- 3) Submit an acceptable stack test report that outlines the results obtained from the testing done to meet the requirement of #2 above.
- 4) Facility shall keep records of all testing done at this stationary combustion installation for a period of 5 years.

To minimize particulate emissions, the Black Rock Facility shall operate and maintain EU 1-STENG in accordance with the manufacturer's specifications. Records of maintenance/repairs must be kept on-site for the most recent five years and shall be made available for review by NYSDEC representatives upon request.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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



**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

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

**Condition 65: Contaminant List**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 65.1:**

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

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 66: Unavoidable noncompliance and violations**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 66.1:**

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.



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

(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 67: Facility Permissible Emissions**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 201-7**

**Item 67.1:**

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: 000630-08-0                      PTE: 198,000 pounds per year  
Name: CARBON MONOXIDE

CAS No: 0NY210-00-0                      PTE: 198,000 pounds per year  
Name: OXIDES OF NITROGEN

**Condition 68: Capping Monitoring Condition**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 201-7**

**Item 68.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6NYCRR 227-2  
6NYCRR 231-2

**Item 68.2:**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 68.3:**

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

**Item 68.4:**

On an annual basis, unless otherwise specified below, 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 all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 68.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 68.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 68.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The Black Rock Facility has a facility-wide potential to emit approximately 367 tons of oxides of nitrogen (NOx) per year, which exceeds the applicability threshold of 100 tons per year (tpy) specified in Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York, Part 231-2 (6NYCRR231-2), "New Source Review in Nonattainment Areas and Ozone Transport Regions (NNSR)". Volatile organic compounds, also regulated under NNSR, emitted from the facility do not have the potential to meet or exceed the applicability threshold of 50 tpy. The Facility's PTE NOx also makes it subject to the requirements of 6NYCRR227-2, "Reasonably Available Control Technology for Oxides of Nitrogen (NOx RACT)", which has

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



an applicability threshold of 100 tpy.

To avoid the requirements of NNSR and NO<sub>x</sub> RACT, the Black Rock Facility has chosen to limit facility-wide emissions of NO<sub>x</sub> to 99.0 tons per year, as determined by summing the individual monthly emissions from all sources of NO<sub>x</sub> throughout the facility during any consecutive 12-month period. The Emission Units (EU) at the Black Rock Facility which emit NO<sub>x</sub> to the atmosphere are 1-GASTR, 1-STENG, and 1-COMPR.

The Facility must prepare monthly NO<sub>x</sub> emission records. Mass emission rates of NO<sub>x</sub> in pounds per hour (lbs/hr), measured by the Continuous Emissions Monitoring System (CEMS) and flow monitoring system and the higher heating value (HHV) of the fuel and monthly fuel usage quantities for EU 1-STENG and 1-COMPR shall be used to calculate the monthly NO<sub>x</sub> emissions according to formulas listed below or similar formulas for each emission unit. This allows the Black Rock Facility to operate the combustion sources without restricting hours of operation provided the facility NO<sub>x</sub> cap is maintained. Fuel usage shall be obtained from fuel meters, fuel purchase records, and/or other means of fuel monitoring accepted by the Department. The HHV of No. 2 fuel oil may be obtained from vendor certification or the value of 140,000 BTU/gallon may be used.

**EMISSION CALCULATIONS FOR NO<sub>x</sub>:**

$$\text{NO}_x \text{ (tons/mo)} = A + B + C$$

where,

A = Actual monthly NO<sub>x</sub> emissions in tons emitted from EU 1-GASTR, including periods of start-up, shutdown and malfunction, derived from CEMS and flow monitoring systems or estimated in accordance with 40CFR75 when CEMS data is missing.

B = Actual monthly NO<sub>x</sub> emission rate in tons based on No. 2 oil usage for EU 1-STENG  
 $B = (4.41 \text{ lbs NO}_x / \text{MMBTU}^*) \times (\text{HHV MMBTU/gal No. 2 oil}) \times (\text{gal No. 2 oil burned/mo}) \times (\text{ton}/2000\text{lb})$

C = Actual monthly NO<sub>x</sub> emission rate in tons based on No. 2 oil usage for EU 1-COMPR



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

$$C = (4.41 \text{ lbs NO}_x / \text{MMBTU}^*) \times (\text{HHV MMBTU}/\text{gal No. 2 oil}) \times (\text{gal No. 2 oil burned}/\text{mo}) \times (\text{ton}/2000\text{lb})$$

\*Table 3.3-1, Emission Factors for Uncontrolled Gasoline and Diesel Industrial Engines, USEPA Compilation of Air Pollutant Emission Factors, AP42, Volume 1, Supplement F, October 1996.

The Black Rock Facility shall submit to the Regional Office of the Department an annual NO<sub>x</sub> emission report which certifies that the Facility has operated in compliance with the limits imposed by the emission cap to avoid the requirements of 6NYCRR231-2 and 6NYCRR227-2. The report shall list the tons of NO<sub>x</sub> emitted monthly for each EU, the rolling 12-month facility NO<sub>x</sub> emissions for each consecutive month of the calendar year and a comparison to the 99.0 tpy limit. The monthly quantity of diesel fuel burned in emission units 1-STENG and 1-COMPR shall also be included. The rolling 12-month totals shall be calculated by adding the current facility monthly NO<sub>x</sub> emissions to the sum of the facility NO<sub>x</sub> emissions from the previous 11 months. The annual report shall be submitted by January 30th for the previous calendar year.

The Facility shall maintain and keep records of NO<sub>x</sub> emissions from the turbine and turbine/duct burner (averaged hourly), including missing data calculations, information on all source tests, fuel type, fuel heating value and monthly logs of fuel usage. The fuel usage records shall show the quantity of fuel burned on a monthly basis and be used to compute annual NO<sub>x</sub> emissions as described above. These records shall be based on verifiable information such as CEMS data, hours of operation, fuel metering data and fuel purchase records to confirm the general accuracy of the monthly fuel usage amounts. All records and corresponding emission calculations shall be kept on site for a minimum of five years. This information shall be made available to representatives of the Department upon request. Department representatives must be granted access to the Black Rock Facility 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.

The emission of NO<sub>x</sub> at or in exceedance of the



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

applicability thresholds for 6NYCRR231-2 and 6NYCRR227-2 constitutes a violation. Any noncompliance with the NO<sub>x</sub> emission limit shall be reported to the Department within 30 days of occurrence. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. At all times, combustion sources at the Black Rock Facility, including sources contained in EU 1-GASTR, EU 1-STENG and EU 1-COMPR shall be operated and maintained in accordance with manufacturer's specifications to minimize NO<sub>x</sub> emissions.

All submittals to the Department shall be certified by the Black Rock Facility's responsible official as to the truth, completeness, and accuracy of all information recorded and reported.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL

Upper Permit Limit: 99.0 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

**Condition 69: Capping Monitoring Condition**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 201-7**

**Item 69.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

40CFR 52-A.21

**Item 69.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 69.3:**

The owner or operator of the permitted facility must maintain all required records on-site for a period of



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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.

**Item 69.4:**

On an annual basis, unless otherwise specified below, 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 all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 69.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 69.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 69.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The Black Rock Facility (the Facility) is a fossil fuel-fired steam electric plant of more than 250 million British thermal units per hour (mmbtu/hr) heat input. Under Title 40 of the Code of Federal Regulations, Part 52.21 (40CFR52.21), "Prevention of significant deterioration of air quality (PSD)", the Black Rock Facility is considered a major source and subject to the requirements of PSD, if it emits, or has the potential to emit (PTE), 100 tons per year (tpy) or more of any regulated pollutant. The Black Rock Facility's potential to emit the regulated pollutant, carbon monoxide (CO) is 139 tpy, which exceeds the applicability threshold. All other attainment pollutants regulated under 40CFR52.21, do not have the potential to meet or exceed the applicability threshold of 100 tpy.

To avoid the requirements of PSD, the Black Rock Facility has chosen to limit facility-wide emissions of CO to 99.0

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



tons per year, as determined by summing the individual monthly emissions from all sources of CO throughout the facility during any consecutive 12-month period. The Emission Units (EU) at the Black Rock Facility which emit CO to the atmosphere are 1-GASTR, 1-STENG, and 1-COMPR.

The Facility must prepare monthly CO emission records. Mass emission rates of CO in pounds per hour (lbs/hr) from EU 1-GASTR, measured by the Continuous Emissions Monitoring System (CEMS) and flow monitoring system and the higher heating value (HHV) of the fuel and monthly fuel usage quantities for EU 1-STENG and 1-COMPR shall be used to calculate the monthly CO emissions according to formulas listed below or similar formulas for each emission unit. This allows the Black Rock Facility to operate the combustion sources without restricting hours of operation provided the facility CO cap is maintained. Fuel usage shall be obtained from fuel meters, fuel purchase records, and/or other means of fuel monitoring accepted by the Department. The HHV of No. 2 fuel oil may be obtained from vendor certification or the value of 140,000 BTU/gallon may be used.

**EMISSION CALCULATIONS FOR CO:**

CO (tons/mo)=A + B + C where,

A = Actual monthly CO emissions in tons emitted from EU 1-GASTR, including periods of start-up, shutdown and malfunction, derived from CEMS and flow monitoring systems or estimated using heat input and CO emission limit when CEMS data is unavailable.

B = Actual monthly CO emission rate in tons based on No. 2 oil usage for EU 1-STENG  
 $B = (0.95 \text{ lbs CO/MMBTU}^*) \times (\text{HHV MMBTU/gal No. 2 oil}) \times (\text{gal No. 2 oil burned/mo}) \times (\text{ton}/2000\text{lb})$

C = Actual monthly CO emission rate in tons based on No. 2 oil usage for EU 1-COMPR  
 $C = (0.95 \text{ lbs CO/MMBTU}^*) \times (\text{HHV MMBTU/gal No. 2 oil}) \times (\text{gal No. 2 oil burned/mo}) \times (\text{ton}/2000\text{lb})$

\*Table 3.3-1, Emission Factors for Uncontrolled Gasoline and Diesel Industrial Engines, USEPA Compilation of Air Pollutant Emission Factors, AP42, Volume 1, Supplement F,

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



October 1996.

The Black Rock Facility shall submit to the Regional Office of the Department an annual CO emission report which certifies that the Facility has operated in compliance with the limits imposed by the emission cap to avoid the requirements of 40CFR52.21. The report shall list the tons of CO emitted monthly for each EU, the rolling 12-month facility CO emissions for each consecutive month of the calendar year and a comparison to the 99.0 tpy limit. The monthly quantity of diesel fuel burned in emission units 1-STENG and 1-COMPR shall also be included. The rolling 12-month totals shall be calculated by adding the current facility monthly CO emissions to the sum of the facility CO emissions from the previous 11 months. The annual report shall be submitted by January 30th for the previous calendar year.

The Facility shall maintain and keep records of CO emissions from the turbine and turbine/duct burner (averaged hourly), including missing data calculations, information on all source tests, fuel type, fuel heating value and monthly logs of fuel usage. The fuel usage records shall show the quantity of fuel burned on a monthly basis and be used to compute annual CO emissions as described above. These records shall be based on verifiable information such as CEMS data, hours of operation, fuel metering data and fuel purchase records to confirm the general accuracy of the monthly fuel usage amounts. All records and corresponding emission calculations shall be kept on site for a minimum of five years. This information shall be made available to representatives of the Department upon request. Department representatives must be granted access to the Black Rock Facility 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.

The emission of CO at or in exceedance of the applicability threshold for 40CFR52.21 constitutes a violation. Any noncompliance with the CO emission limit shall be reported to the Department within 30 days of occurrence. Permit noncompliance is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application. At all times, combustion sources at



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

the Black Rock Facility, including sources contained in EU 1-GASTR, EU 1-STENG and EU 1-COMPR, shall be operated and maintained in accordance with manufacturer's specifications to minimize CO emissions.

All submittals to the Department shall be certified by the Black Rock Facility's responsible official as to the truth, completeness, and accuracy of all information recorded and reported.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL

Upper Permit Limit: 99.0 tons per year

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

**DESCRIPTION**

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

**Condition 70: Air pollution prohibited**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 211.2**

**Item 70.1:**

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 71: Effect on other Authorities**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 71.1:**

No provision of the ADR NOx Budget Trading Program, a NOx budget permit application, or a NOx budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the NOx authorized account representative of a NOx budget source or NOx budget unit from compliance with any other provisions of applicable State and federal law and regulations.

**Condition 72: Liability**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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

**Item 72.1:**

No permit revision shall excuse any violation of the requirements of the ADR SO<sub>2</sub> Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR SO<sub>2</sub> Budget Trading Program that applies to an SO<sub>2</sub> budget source (including a provision applicable to the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source) shall also apply to the owners and operators of such source and of the SO<sub>2</sub> budget units at the source;

Any provision of the ADR SO<sub>2</sub> Budget Trading Program that applies to an SO<sub>2</sub> budget unit (including a provision applicable to the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 238-8, the owners and operators and the SO<sub>2</sub> authorized account representative of one SO<sub>2</sub> budget unit shall not be liable for any violation by any other SO<sub>2</sub> budget unit of which they are not owners or operators or the SO<sub>2</sub> authorized account representative and that is located at a source of which they are not owners or operators or the SO<sub>2</sub> authorized account representative.

**Condition 73: Effect on Other Authorities  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 73.1:**

No provision of the ADR SO<sub>2</sub> Budget Trading Program, an SO<sub>2</sub> budget permit application, or an SO<sub>2</sub> budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source or SO<sub>2</sub> budget unit from compliance with any other provisions of applicable State and federal law and regulation.

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

**Condition 74: Applicable Units, nameplate capacity of 25 MWe or greater  
Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 237-1.4(a)**

**Item 74.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 74.2:**

Any unit, that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe and sells any amount of electricity shall be a NO<sub>x</sub> budget unit, and any source that includes one or more such units shall be a NO<sub>x</sub> budget source, subject to the requirements of NYCRR 237

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**Condition 75: Permit Requirements**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 75.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 75.2:**

The NOx authorized account representative of each NOx budget unit shall: Submit to the department a complete NOx budget permit application under NYCRR 237-3.3 in accordance with the deadlines specified in NYCRR 237-3.2(b); and submit in a timely manner any supplemental information that the department determines is necessary in order to review a NOx budget permit application and issue or deny a NOx budget permit.

The owners and operators of each NOx budget unit shall have a NOx budget permit and operate the unit in compliance with such NOx budget permit.

**Condition 76: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 76.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 76.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

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

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

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

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

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 77: Recordkeeping and Reporting Requirements**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 77.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 77.2:**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

- 1) The account certificate of representation for the NOx authorized account representative for the source and each NOx budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 237-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.
- 2) All emissions monitoring information, in accordance with NYCRR 237-8.
- 3) Copies of all reports, compliance certifications, and other submissions and all records made or required under the ADR NOx Budget Trading Program.
- 4) Copies of all documents used to complete a NOx budget permit application and any other submission under the ADR NOx Budget Trading Program or to demonstrate compliance with the requirements of the ADR NOx Budget Trading Program.

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

**Condition 78: Liability**

**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 78.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 78.2:**

No permit revision shall excuse any violation of the requirements of the ADR NOx Budget Trading Program that occurs prior to the date that the revision takes effect. Any provision of the ADR NOx Budget Trading Program that applies to a NOx budget unit (including a provision applicable to the NOx authorized account representative of a NOx budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under NYCRR 237-8, the owners and operators and the NOx authorized account representative of one NOx budget unit shall not be liable for any violation by any other NOx budget unit of which they are not owners or operators or the NOx authorized account representative and that is located at a source of which they are not owners or operators or the NOx authorized account representative.

**Condition 79: Authorization and responsibilities of the NOx authorized account representative**

**Effective between the dates of 02/02/2005 and 01/20/2010**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

**Item 79.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 79.2:**

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

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

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

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).

**New York State Department of Environmental Conservation**

Permit ID: 9-1402-00643/00019

Facility DEC ID: 9140200643



**Condition 80: Compliance Demonstration**  
Effective between the dates of 02/02/2005 and 01/20/2010

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

**Item 80.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 80.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



(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 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



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

Reporting Requirements: SEPTEMBER 30

**Condition 81: Submission of NOx allowance transfers**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 81.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 81.2:**

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 82: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 237-8**

**Item 82.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 82.2:**

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

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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:

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 83: Applicability**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 238-1.4**

**Item 83.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 83.2:**

The administrator has determined this to be an affected SO2 budget unit as defined at 42 U.S.C. section 7651a(2); and is subject to the requirements of NYCRR Part 238. With the exception of any SO2 budget unit which has shutdown in accordance with section 238-1.5 and which no longer has any outstanding compliance obligations stemming from its prior operation, NYCRR 238 applies to every SO2 budget unit.

**Condition 84: Permit Requirements**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 84.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 84.2:**



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

The SO<sub>2</sub> authorized account representative of each SO<sub>2</sub> budget unit shall:

(i) submit to the department a complete SO<sub>2</sub> budget permit application under section 238-3.3 in accordance with the deadlines specified in NYCRR 238-3.2(b);

(ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review an SO<sub>2</sub> budget permit application and issue or deny an SO<sub>2</sub> budget permit.

The owners and operators of each SO<sub>2</sub> budget unit shall have an SO<sub>2</sub> budget permit and operate the unit in compliance with such SO<sub>2</sub> budget permit.

**Condition 85: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 85.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 85.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

SO<sub>2</sub> allowances shall be held in, deducted from, or transferred among SO<sub>2</sub> Allowance Tracking System accounts in accordance with NYCRR 238-5, 238-6, and 238-7.



**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**

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

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 86: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 86.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 86.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



Unless otherwise provided, the owners and operators of the SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall keep on site 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.

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

Copies of all documents used to complete an SO<sub>2</sub> budget permit application and any other submission under the ADR SO<sub>2</sub> Budget Trading Program or to demonstrate compliance with the requirements of the ADR SO<sub>2</sub> Budget Trading Program;

The SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source and each SO<sub>2</sub> budget unit at the source shall submit the reports and compliance certifications required under the ADR SO<sub>2</sub> Budget Trading Program, including those under NYCRR 238-4, or 238-8.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 87: Submissions to the Department  
Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 87.1:**

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



This Condition applies to Emission Unit: 1-GASTR

**Item 87.2:**

Each submission under the Acid Deposition Reduction (ADR) SO<sub>2</sub> Budget Trading Program shall be submitted, signed, and certified by the SO<sub>2</sub> authorized account representative for each SO<sub>2</sub> budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO<sub>2</sub> authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO<sub>2</sub> budget sources or SO<sub>2</sub> 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 88: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 88.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 88.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO<sub>2</sub> budget units at a source are subject to the SO<sub>2</sub> budget emissions limitation, the SO<sub>2</sub> authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

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



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

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

- (a) whether the unit was operated in compliance with the SO<sub>2</sub> budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO<sub>2</sub> emissions to the unit, in accordance with Subpart 238-8;
- (c) whether all the SO<sub>2</sub> emissions from the unit, or a group of units (including the unit) using a common stack,

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



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.

Reporting Requirements: MARCH 1

**Condition 89: Submission of SO2 allowance transfers**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

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

**Item 89.1:**

This Condition applies to Emission Unit: 1-GASTR

**Item 89.2:**

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.

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



**Condition 90: Compliance Demonstration**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 238-8**

**Item 90.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR

**Item 90.2:**

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 SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> 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 "SO<sub>2</sub> budget unit," and "SO<sub>2</sub> authorized account representative," respectively, as defined in NYCRR 238-1.2.

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 4/30/2005.

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

**Condition 91: Capping Monitoring Condition**  
**Effective between the dates of 02/02/2005 and 01/20/2010**

**Applicable State Requirement: 6NYCRR 201-7**

**Item 91.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



40CFR 52-A.21

**Item 91.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 91.3:**

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

**Item 91.4:**

On an annual basis, unless otherwise specified below, 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 all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 91.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 91.6:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-GASTR Emission Point: CTG01

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 91.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The Black Rock facility shall comply with the CO emission limit of 0.045 lb/mmbtu for the combustion turbine/HRSG based upon Higher Heating Value (HHV) of fuel. This limit shall apply at all loads, except startup and shutdown, during which the limits specified in the Facility Start-Up/ Shutdown Plan apply.

The facility shall operate and maintain a CEMS to measure and record CO emissions in the turbine/HRSG exhaust stack

**New York State Department of Environmental Conservation**

**Permit ID: 9-1402-00643/00019**

**Facility DEC ID: 9140200643**



and to demonstrate compliance with the CO limit. The CEMS will monitor CO stack emissions in ppmvd @ 15% O<sub>2</sub>, which will be converted to lb/mmBtu via continuous exhaust flow and fuel use monitoring. The CEMS shall meet the requirements specified in the Facility CEMS Monitoring and QA Plans which are based on 40CFR60 Appendix B and Appendix F, the NESCAUM Guidance for CEMS (9/90) and the NYSDEC Air Guide No. 34. Performance Specification No. (PS-4 ) contained in 40CFR60 Appendix B shall be used to evaluate the CO CEMS. Procedure 1 (P-1) contained in 40CFR60 Appendix F shall be used to evaluate the effectiveness of Quality Control and Quality Assurance procedures and the quality of data produced by the CEMS to determine compliance with this limit for CO.

Permittee shall submit a quarterly written CEM report to NYSDEC for every calendar year quarter. All quarterly reports shall be post marked by the 30th day following the end of each calendar quarter and shall include:

1. CEMS down time (40 CFR 60.7(b)) and excess emissions (40 CFR 60.7(c)) in a summary report format, as found in 40 CFR 60.7(d), or equivalent.
2. The results of the quarterly monitoring performance audit, reported in the format of 40 CFR 60 Appendix F (or equivalent).
3. Excess emissions shall be identified as any one-hour block period during which the average emissions of CO, as measured by the CEM system, exceeds the corresponding mass or concentration emission limits set forth in this permit.
4. For the purposes of this permit, excess emissions indicated by the CEM system for one hour block periods may be considered violations of the applicable emission limits.

Manufacturer Name/Model Number: Siemens Ultramat 5E nondispersive infrared analyzer

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 0.045 pounds per million Btus

Reference Test Method: 40CFR60, Appendix A

Monitoring Frequency: CONTINUOUS

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

**New York State Department of Environmental Conservation**  
**Permit ID: 9-1402-00643/00019      Facility DEC ID: 9140200643**



Reports due 30 days after the reporting period.  
The initial report is due 4/30/2005.  
Subsequent reports are due every 3 calendar month(s).