

New York State Department of Environmental Conservation
Facility DEC ID: 9144200039



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air State Facility
Permit ID: 9-1442-00039/00015
Effective Date: 01/19/2000 Expiration Date: No expiration date

Permit Issued To: NATIONAL FUEL GAS SUPPLY CORPORATION
6363 MAIN ST
BUFFALO, NY 14221

Contact: GARY A YOUNG
NATIONAL FUEL GAS SUPPLY CORPORATION
1100 STATE STREET
ERIE, PA 16501
(814) 871-8657

Facility: PORTERVILLE COMPRESSOR STATION
350 HEMSTREET ROAD
EAST AURORA, NY 14052

Contact: GARY A YOUNG
NATIONAL FUEL GAS SUPPLY CORPORATION
1100 STATE STREET
ERIE, PA 16501
(814) 871-8657

Description:

This facility is a natural gas storage facility consisting of only exempt and trivial activities, as follows:

- four 150 HP compressor engines
- one 70 HP emergency generator
- three boilers
- two hot water heaters
- six space heaters
- one parts washer
- seven storage tanks

The facility's NO_x potential-to-emit, however, is greater than 100 tons per year. Therefore, this permit contains a cap on the number of hours that the compressors can operate to keep the potential emissions of NO_x below 100 tons per year, which is the applicability threshold of 6 NYCRR Part 227-2 (NO_x RACT). The compressors will operate no more than 6500 hours per year. The emergency generator will be operated less than 500 hours per year.

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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 ******
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(a)

Item 3.1:

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

Item 3.2:

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

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

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Item 4.1:

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

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

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

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

Item 5.1:

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

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



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ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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6363 MAIN ST
BUFFALO, NY 14221

Facility: PORTERVILLE COMPRESSOR STATION
350 HEMSTREET ROAD
EAST AURORA, NY 14052

Authorized Activity By Standard Industrial Classification Code:
4922 - NATURAL GAS TRANSMISSION

Permit Effective Date: 01/19/2000

Permit Expiration Date: No expiration date.



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.5: Sealing
- 2 6NYCRR 200.6: Acceptable ambient air quality
- 3 6NYCRR 200.7: Maintenance of equipment
- 4 6NYCRR 201-1.2: Unpermitted Emission Sources
- 5 6NYCRR 201-1.4: Unavoidable Noncompliance and Violations
- 6 6NYCRR 201-1.5: Emergency Defense
- 7 6NYCRR 201-1.7: Recycling and Salvage
- 8 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the Air
- 9 6NYCRR 201-1.10(a): Public Access to Recordkeeping
- 10 6NYCRR 201-3.2(a): Proof of Eligibility
- 11 6NYCRR 201-3.2(a): Compliance Demonstration
- 12 6NYCRR 201-3.3(a): Proof of Eligibility
- 14 6NYCRR 201-7.2: Facility Permissible Emissions
- *13 6NYCRR 201-7.2: Compliance Demonstration
- 15 6NYCRR 202-1.1: Required emissions tests
- 16 6NYCRR 211.3: Visible emissions limited.
- 17 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 18 6NYCRR 227-2: Facility Permissible Emissions
- *19 6NYCRR 227-2: Compliance Demonstration
- 20 6NYCRR 227-2.4(f)(3): Exemption for emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year.

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 21 6NYCRR 201-5: General Provisions
- 22 6NYCRR 201-5: General Provisions: Facilities Subject to Subpart 201-5 but not 201-6
- 23 6NYCRR 201-5.3(b): Contaminant List
- 24 6NYCRR 211.2: Air pollution prohibited
- 25 6NYCRR 217-3.2(a): Diesel truck opacity limitation
- 26 6NYCRR 217-3.2(b): Idling of diesel trucks limited

NOTE: * preceding the condition number indicates capping.



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FEDERALLY ENFORCEABLE CONDITIONS

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

Condition 1: Sealing
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.5

Item 1.1:

(a) 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 labelling 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.

(b) 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.

(c) Unless authorized by the commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section

Condition 2: Acceptable ambient air quality
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.6

Item 2.1:

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

Condition 3: Maintenance of equipment
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 200.7

Item 3.1:

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

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**Condition 4: Unpermitted Emission Sources
Effective between the dates of 01/19/2000 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 201-1.2

Item 4.1:

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.

**Condition 5: Unavoidable Noncompliance and Violations
Effective between the dates of 01/19/2000 and Permit Expiration Date**

Applicable Federal Requirement: 6NYCRR 201-1.4

Item 5.1:

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 or certificate issued for the corresponding air contamination source. 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



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of the emission rates.

(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.

Condition 6: Emergency Defense
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.5

Item 6.1:

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

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

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

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

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

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner and/or operator seeking to establish the occurrence of an emergency has the burden of proof.

(c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

Condition 7: Recycling and Salvage
Effective between the dates of 01/19/2000 and Permit Expiration Date



Applicable Federal Requirement: 6NYCRR 201-1.7

Item 7.1:

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

Condition 8: Prohibition of Reintroduction of Collected Contaminants to the Air
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.8

Item 8.1:

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

Condition 9: Public Access to Recordkeeping
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-1.10(a)

Item 9.1:

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

Condition 10: Proof of Eligibility
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-3.2(a)

Item 10.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 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.

Condition 11: Compliance Demonstration



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Applicable Federal Requirement: 6NYCRR 201-3.2(a)

Item 11.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 11.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

AS PROOF OF EXEMPT ELIGIBILITY FOR THE EMERGENCY GENERATORS, THE FACILITY MUST MAINTAIN MONTHLY RECORDS WHICH DEMONSTRATE THAT EACH ENGINE IS OPERATED LESS THAN 500 HOURS PER YEAR, ON A 12-MONTH ROLLING TOTAL BASIS.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 500.0 hours

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 02/17/2001 for the period 01/19/2000 through 01/18/2001

Condition 12: Proof of Eligibility

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-3.3(a)

Item 12.1:

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.

Condition 14: Facility Permissible Emissions

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2



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Item 14.1:

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: 0NY210-00-0 PTE: 200,000 pounds per year
Name: OXIDES OF NITROGEN

Condition 13: Compliance Demonstration
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 201-7.2

Item 13.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 13.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes
Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

An Engine Operations Log must be kept which documents that compressor engines #1, 2, 3, & 4 were operated for less than 6500 hours per year, based on a 12-month rolling average. The annual operating hours cap is based on an emission factor (21.50 g/hp-hr) developed by the engine manufacturer from manufacturing data and calculations and/or test data from other identical engines. On an annual basis, provide a certification to the Department that the facility has operated all emission units in compliance with the limit on operating hours.

Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (ANNIVERSARY)
Initial Report Due: 02/17/2001 for the period 01/19/2000 through 01/18/2001

Condition 15: Required emissions tests
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 202-1.1



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Item 15.1:

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.

Condition 16: Visible emissions limited.

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 211.3

Item 16.1:

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

Condition 17: Open Fires Prohibited at Industrial and Commercial Sites

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 215

Item 17.1:

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.

Condition 18: Facility Permissible Emissions

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2

Item 18.1:

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: 0NY210-00-0

PTE: 200,000 pounds per year

Name: OXIDES OF NITROGEN

Condition 19: Compliance Demonstration

Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2

Item 19.1:



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The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 19.2:

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compressor engines #1, 2, 3, & 4 will each be operated for less than 6500 hours per year, based on a 12-month rolling average, to restrict the NOx potential-to-emit for the facility to less than 100 tons per year. This caps the facility below the applicability threshold of 6 NYCRR Part 227-2, NOx RACT. The annual operating hours cap is based on an emission factor (21.50 g/hp-hr) developed by the engine manufacturer from manufacturing data and calculations and/or test data from other identical engines.

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 02/17/2001 for the period 01/19/2000 through 01/18/2001

Condition 20: Exemption for emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year. Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable Federal Requirement: 6NYCRR 227-2.4(f)(3)

Item 20.1:

Emergency power generating units and units that operate during emergency situations which operate less than 500 hours per year, are exempt from the emission limitations contained in 6 NYCRR 227-2.4(f)(1) and (2). If the owner/operator wants to use this exemption, hour counters or some other form of recordkeeping should be utilized to demonstrate compliance with the exemption.



STATE ONLY ENFORCEABLE CONDITIONS

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

Condition 21: General Provisions
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 21.1:

This section contains terms and conditions that are not federally enforceable and are not required under the Act or under any of its applicable requirements. Terms and conditions so designated are not subject to the requirements of Section 201-6.4 of Part 201.

Item 21.2:

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.

Item 21.3:

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.

**Condition 22: General Provisions: Facilities Subject to Subpart 201-5
but not 201-6**
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5

Item 22.1:

The emission of pollutants in exceedance of the applicability thresholds for obtaining a Title V facility permit or other applicable requirements constitutes a violation of Part 201 and of the Act.

Condition 23: Contaminant List
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 201-5.3(b)

Item 23.1:

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



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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 24: Air pollution prohibited
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 211.2

Item 24.1:

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 25: Diesel truck opacity limitation
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 217-3.2(a)

Item 25.1:

No person who owns, operates or leases a vehicle propelled by a diesel engine or who owns, leases or occupies land and has actual or apparent dominion or control over the operation of a vehicle propelled by a diesel engine which is present on said land, shall operate said vehicle or allow or permit it to be operated, in such a manner that exhaust emissions of a shade of blue, black, or gray equal to or greater than No. 1 on the Ringelmann chart (20 percent opacity) or equivalent standard acceptable to the commissioner are produced for a continuous period of more than five seconds when the vehicle is in motion.

Condition 26: Idling of diesel trucks limited
Effective between the dates of 01/19/2000 and Permit Expiration Date

Applicable State Requirement: 6NYCRR 217-3.2(b)

Item 26.1:

No person who owns, operates or leases a bus or truck, the motive power for which is provided by a diesel engine or who owns, leases or occupies land and has the actual or apparent dominion or control over the operation of a bus or truck present on such land, the motive power for which said bus or truck is provided by a diesel engine, shall allow or permit the diesel engine of such bus or truck to idle for more than five consecutive minutes when the bus or truck is not in motion, except as otherwise permitted by 6 NYCRR Subpart 217-3.3.