

New York State Department of Environmental Conservation
Facility DEC ID: 9146400130



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-1464-00130/00020
Mod 0 Effective Date: 10/29/2001 Expiration Date: 10/29/2006
Mod 1 Effective Date: 02/22/2005 Expiration Date: No expiration date.
Mod 2 Effective Date: 04/13/2005 Expiration Date: 10/29/2006

Permit Issued To: HUNTLEY POWER LLC
901 MARQUETTE AVENUE
SUITE 2300
MINNEAPOLIS, MN 55402-3265

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

Facility: HUNTLEY STEAM GENERATING STATION
3500 RIVER RD
TONAWANDA, NY 14150

Contact: MICHAEL BOESL
NRG HUNTLEY OPERATIONS
3500 RIVER RD
TONAWANDA, NY 14150
(716) 879-3876

Description:
Permit modification is Department initiated to address the United States Department of Environmental Protection Agency Order to reopen the permit. Permit modified to address concerns of a petition filed by New York Research Interest Group on initial Title V permit.

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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

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Permit Modifications, Suspensions, and Revocations by the Department

Facility Level

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



DEC GENERAL CONDITIONS

****** General Provisions ******

For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department
Applicable State Requirement: ECL 19-0305

Item 1.1:

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

Item 1.2:

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

Item 1.3:

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

Condition 2: Relationship of this Permit to Other Department Orders and Determinations
Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

Condition 2-1: Applications for Permit Renewals and Modifications
Applicable State Requirement: 6NYCRR 621.13

Item 2-1.1:

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

Item 2-1.2:

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

Item 2-1.3:



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Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

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

Expired by Mod No: 2

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

Item 2-2.1:

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

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

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

Expired by Mod No: 2

Item 4.1:

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

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

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materially changed since the permit was issued.

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

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

Item 5.1:

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



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ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: HUNTLEY POWER LLC
901 MARQUETTE AVENUE
SUITE 2300
MINNEAPOLIS, MN 55402-3265

Facility: HUNTLEY STEAM GENERATING STATION
3500 RIVER RD
TONAWANDA, NY 14150

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

Mod 0 Permit Effective Date: 10/29/2001



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 24 6NYCRR 201-6: Emission Unit Definition
- 2-1 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 2-2 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 2-3 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 2-4 6NYCRR 201-6.5(e): Compliance Certification
- 28 6NYCRR 201-6.5(g): Non Applicable requirements
- 30 6NYCRR 202-2.1: Compliance Certification
- 31 6NYCRR 202-2.5: Recordkeeping requirements
- 2-5 6NYCRR 204-1.6: Compliance Certification
- 2-6 6NYCRR 204-4.1: Compliance Certification
- 2-7 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 2-8 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 2-9 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 2-10 6NYCRR 204-8.3: Out of control periods.
- 2-11 6NYCRR 204-8.4: Compliance Certification
- 2-12 6NYCRR 204-8.5: Compliance Certification
- 2-13 6NYCRR 204-8.7: Compliance Certification
- 2-14 6NYCRR 211.3: Visible Emissions Limited
- 2-15 6NYCRR 225-1.2(a)(2): Compliance Certification
- 2-16 6NYCRR 225-1.2(a)(2): Compliance Certification
- 2-17 6NYCRR 225-1.2(a)(2): Compliance Certification
- 40 6NYCRR 225-2.3(b)(1): Compliance Certification
- 41 6NYCRR 225-2.3(b)(1)(ii): Compliance Certification
- 42 6NYCRR 225-2.4(b): Compliance Certification
- 43 6NYCRR 225-2.4(b): Compliance Certification
- 44 6NYCRR 225-2.4(b): Compliance Certification
- 45 6NYCRR 225-2.4(b): Compliance Certification
- 46 6NYCRR 225-2.4(b): Compliance Certification
- 47 6NYCRR 225-2.7(e): Compliance Certification
- 48 6NYCRR 227-1.2(a)(4): Compliance Certification
- 2-18 6NYCRR 227-1.3(a): Compliance Certification
- 2-19 6NYCRR 227-1.3(a): Compliance Certification
- 2-20 6NYCRR 227-1.3(a): Compliance Plan
- 50 6NYCRR 227-2.5(b): Compliance Certification
- 2-21 40CFR 68: Accidental release provisions.
- 54 40CFR 72.6(a)(1), Subpart A: Facility Subject to Title IV Acid Rain Regulations and Permitting

Emission Unit Level

- 56 6NYCRR 201-6: Emission Point Definition By Emission Unit

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57 6NYCRR 201-6: Process Definition By Emission Unit

EU=U-00001

2-22 6NYCRR 227-1.4(b): Compliance Certification

2-23 6NYCRR 227-2.4(a): Compliance Certification

2-24 6NYCRR 227-2.4(a): Compliance Certification

EU=U-00001,Proc=P12,ES=S063C

62 6NYCRR 227-2.6(b)(5): Alternate CEMs requirements.

EU=U-00001,EP=00001,Proc=P12

2-25 6NYCRR 227-1.2(b): Compliance Certification

2-26 6NYCRR 227-1.2(b): Compliance Certification

EU=U-00002

2-27 6NYCRR 227-1.4(b): Compliance Certification

2-28 6NYCRR 227-2.4(a): Compliance Certification

2-29 6NYCRR 227-2.4(a): Compliance Certification

EU=U-00002,Proc=P22,ES=S0067

68 6NYCRR 227-2.6(b)(5): Alternate CEMs requirements.

EU=U-00002,EP=00002,Proc=P22

2-30 6NYCRR 227-1.2(b): Compliance Certification

2-31 6NYCRR 227-1.2(b): Compliance Certification

EU=U-00003

2-32 6NYCRR 211.3: Compliance Certification

2-33 40CFR 60.252(c), NSPS Subpart Y: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

2-34 ECL 19-0301: Contaminant List

2-35 6NYCRR 201-1.4: Unavoidable noncompliance and violations

73 6NYCRR 211.2: Air pollution prohibited

2-36 6NYCRR 225-1.2(a)(2): Compliance Demonstration

2-37 6NYCRR 227-1.4(a): Compliance Demonstration

2-38 6NYCRR 237-1.4(a): Applicable Facility, with a unit of a capacity of 25 MWe or greater

2-39 6NYCRR 237-1.6(a): Permit Requirements

2-40 6NYCRR 237-1.6(c): Compliance Demonstration

2-41 6NYCRR 237-1.6(e): Recordkeeping and Reporting Requirements

2-42 6NYCRR 237-1.6(f): Liability- facility no common stacks

2-43 6NYCRR 237-1.6(g): Effect on other Authorities

2-44 6NYCRR 237-2: Authorization and responsibilities of the NOx authorized account representative

2-45 6NYCRR 237-4.1: Compliance Demonstration



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- 2-46 6NYCRR 237-7.1: Submission of NO_x allowance transfers
 - 2-47 6NYCRR 237-8: Compliance Demonstration
 - 2-49 6NYCRR 238-1.4: Applicability
 - 2-50 6NYCRR 238-1.6(a): Permit Requirements
 - 2-51 6NYCRR 238-1.6(c): Compliance Demonstration
 - 2-52 6NYCRR 238-1.6(e): Compliance Demonstration
 - 2-53 6NYCRR 238-1.6(f): Liability
 - 2-48 6NYCRR 238-1.6(g): Effect on Other Authorities
 - 2-54 6NYCRR 238-2.1: Submissions to the Department
 - 2-55 6NYCRR 238-4.1: Compliance Demonstration
 - 2-56 6NYCRR 238-7.1: Submission of SO₂ allowance transfers
 - 2-57 6NYCRR 238-8: Compliance Demonstration
- Permit Expiration Date: 10/29/2006

Mod 2 Permit Effective Date: 04/13/2005

Permit Expiration Date: 10/29/2006



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

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

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

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

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

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

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

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

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

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

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

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

(4) The facility owner and/or operator notified the



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Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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

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

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

Item H: Public Access to Recordkeeping for Title V Facilities - 6NYCRR Part 201-1.10(b)

The Department will make available to the public any permit application, compliance plan, permit, and monitoring and compliance certification report pursuant to Section 503(e) of the Act, except for information entitled to confidential treatment pursuant to 6NYCRR Part 616 - Public Access to records and Section 114(c) of the Act.

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

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



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to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

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

Item K: Timely Application for the Renewal of Title V Permits - 6 NYCRR Part 201-6.3(a)(4)

Owners and/or operators of facilities having an issued Title V permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

Item L: Certification by a Responsible Official - 6 NYCRR Part 201-6.3(d)(12)

Any application, form, report or compliance certification required to be submitted pursuant to the federally enforceable portions of this permit shall contain a certification of truth, accuracy and completeness by a responsible official. This certification shall state that based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

Item M: Requirement to Comply With All Conditions - 6 NYCRR Part 201-6.5(a)(2)

The permittee must comply with all conditions of the Title V facility permit. Any permit non-compliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit

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renewal application.

Item N: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The permittee shall also, on request, furnish the Department with copies of records required to be kept by the permit. Where information is claimed to be confidential, the permittee may furnish such records directly to the Administrator along with a claim of confidentiality.

Item P: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)

It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

Item Q: Property Rights - 6 NYCRR Part 201-6.5(a)(6)

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

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

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

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

Upon presentation of credentials and other documents, as

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may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Item T: Severability - 6 NYCRR Part 201-6.5(a)(9)

If any provisions, parts or conditions of this permit are found to be invalid or are the subject of a challenge, the remainder of this permit shall continue to be valid.

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

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

- i. Dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- ii. An explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive

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or corrective measures adopted.

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

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

Item W: Permit Shield - 6 NYCRR Part 201-6.5(g)

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified are not applicable to the major stationary source, and the permit includes the determination or a concise summary thereof. Nothing herein shall preclude the Department from revising or revoking the permit pursuant to 6 NYCRR Part 621 or from exercising its summary abatement authority. Nothing in this permit shall alter or affect the following:

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or

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contributing to such pollution;

ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;

iii. The applicable requirements of Title IV of the Act;

iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

Item X: Reopening for Cause - 6 NYCRR Part 201-6.5(i)

This Title V permit shall be reopened and revised under any of the following circumstances:

i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

Proceedings to reopen and issue Title V facility permits



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shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: Permit Exclusion - ECL 19-0305

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to



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

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

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

FEDERAL APPLICABLE REQUIREMENTS

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

**Condition 24: Emission Unit Definition
Effective between the dates of 10/29/2001 and 10/29/2006**

Applicable Federal Requirement: 6NYCRR 201-6

Item 24.1(From Mod 2):

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

Emission Unit: U-00001

Emission Unit Description:

Emission Unit U00001 consists of 4 boilers: Unit 63, maximum heat input of 1028 mmBtu/hr; Unit 64, maximum heat input of 1001 mmBtu/hr; and Unit 65, maximum heat input of 906.8mmBtu/hr; and Unit 66, maximum heat input of 906.8 mmBtu/hr. The emission sources associated with this unit primarily fire coal, but they also fire a variety of other materials/ fuels as described in the process descriptions for the four processes P11,P12, P13, & P14 . Emission Unit 1 consists of emission point 00001, (the stack), emission source S0063 (boiler #63), emission source S063C (electrostatic precipitator), emission source S0064 (boiler #64), emission source S064C (electrostatic



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precipitator), emission source S0065 (boiler #65), emission source S065C (electrostatic precipitator), emission source S0066 (boiler #66), and emission source S066C (electrostatic precipitator).

Building(s): STATION 1

Item 24.2(From Mod 2):

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

Emission Unit: U-00002

Emission Unit Description:

Emission Unit U00002 consists of 2 boilers: Unit 67, maximum heat input of 1836 mmBtu/hr; and Unit 68, maximum heat input of 1836 mmbtu/hr. The emission sources associated with this unit primarily fire coal, but they also fires a variety of other materials/ fuels as described in the process descriptions for the three processes P21,P22, & P23. Emission Unit 2 consists of emission point 00002, (the stack), emission source S0063 (boiler #67), emission source S067C (electrostatic precipitator), emission source S0068 (boiler #68), and emission source S068C (electrostatic precipitator).

Building(s): STATION 2

Item 24.3(From Mod 2):

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

Emission Unit: U-00003

Emission Unit Description:

Emission Unit U00003 consists of coal storage piles and associated coal handling equipment. enclosed or covered, conveyors throughout the coal handling system, except for: enclosed or covered, conveyors throughout the coal handling system, except for: (1) two reclaim hoppers; (2) the stackout conveyor; (3) the rotary car dumper (for unloading rail cars); and (4) unloading of marine vessels. The emission unit consists of four process: P31, rail car unloading and the stackout conveyor ; P32, marine vessel unloading; P33, truck unloading; and P34, the coal storage pile. Fugitive particulate matter are the only emssions from these processes. All conveyors and breakers are enclosed, with no potential for emissions to the outside air.

Building(s): Rail car

Condition 2-1: Recordkeeping and reporting of compliance monitoring



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Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-1.1:

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

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-2.1:

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

Condition 2-3: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-3.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-3.2:

Compliance Certification shall include the following monitoring:

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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 60 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

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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 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



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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.

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 2-4: Compliance Certification
Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-4.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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- 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

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



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Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due on the same day each year

Condition 28: Non Applicable requirements
Effective between the dates of 10/29/2001 and 10/29/2006

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

Item 28.1:

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.

Condition 30: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 30.1:

The Compliance Certification activity will be performed for the Facility.

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Emission statements shall be submitted on or before April 15th each year for emissions of the previous calendar year.

Monitoring Frequency: ANNUALLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due by April 15th for previous calendar year

Condition 31: Recordkeeping requirements
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 31.1:

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



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- (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 2-5: Compliance Certification
Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 2-5.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Plant Name - NRG Huntley Power

ORIS/Facility Code - 2549

NOx Budget Unit(s) Units 63, 64, 65, 66, 67,
68

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

(1) Effective May 1, 2003, each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under 6NYCRR Section 204-6.5, as of the NOx allowance transfer deadline (midnight of November 30th), in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period (May 1st to September 30th) from the unit, as determined in accordance with 6NYCRR Subpart 204-8.

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

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

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

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NOx allowance was allocated.

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

The owners and operators of a NOx Budget unit that has excess emissions in any control period shall:

- (1) Forfeit the NOx allowances required for deduction under Paragraph 204-6.5(d)(1); and
- (2) Pay any fine, penalty, or assessment or comply with any other remedy imposed under 6NYCRR Paragraph 204-6.5(d)(3).

RECORDKEEPING (6NYCRR 204-1.6(e))

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

(i) The account certificate of representation for the NOx authorized account representative for the source and each NOx Budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with Section 204-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the NOx authorized account representative.

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the NOx Budget Trading Program.

(iv) Copies of all documents used to complete a NOx Budget permit application and any other submission under the NOx Budget Trading Program or to demonstrate compliance with the requirements of the NOx Budget Trading Program.

(2) The NOx authorized account representative of a NOx Budget source and each NOx Budget unit at the source shall submit the reports and compliance certifications required under the NOx Budget Trading Program, including those under Subparts 204-4 or 204-8.



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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-6: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 2-6.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- (a) Applicability and deadline - For each control period in which one or more NOx Budget units at a source are subject to the NOx Budget emissions limitation, the NOx authorized account representative of the source shall submit to the Department and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.
- (b) Contents of report - The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:
 - (1) Identification of each NOx Budget unit;
 - (2) At the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under 6NYCRR Section 204-6.5 for the control period;
 - (3) At the NOx authorized account representative's option, for units sharing a common stack and having NOx emission that are not monitored separately or apportioned in accordance with 6NYCRR Subpart 204-8, the percentage of NOx allowances that is to be deducted from each units compliance account under 6NYCRR Section 204-6-5(e); and
 - (4) The compliance certification described below.
- (c) Compliance certification - In the compliance certification report, the NOx authorized account

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representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx Budget Trading Program applicable to the unit, including:

- (1) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
- (2) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with 6NYCRR Subpart 204-8;
- (3) 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 6NYCRR Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;
- (4) Whether the facts that form the basis for certification under 6NYCRR Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under 6NYCRR Subpart 204-8, if any, has changed; and
- (5) If a change is required to be reported by paragraph (c)(4) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: NOVEMBER 30TH

**Condition 2-7: Submission of NOx allowance transfers.
Effective between the dates of 04/13/2005 and 10/29/2006**

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Applicable Federal Requirement: 6NYCRR 204-7.1

Item 2-7.1: 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 2-8: Requirements for installation, certification, and data accounting.

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 2-8.1: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx 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 NOx mass. This includes all systems required to monitor NOx emission rate, NOx 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 NOx allowance allocations.
- (3) Successfully complete all certification tests required under Section 204-8.2 and meet all other provisions of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraphs (a)(1) and (2) of this section.
- (4) Record and report data from the monitoring systems under paragraphs (a)(1) and (2) of this section.

Condition 2-9: Requirements for recertification of monitoring systems.

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 2-9.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

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Condition 2-10: Out of control periods.

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 2-10.1: Whenever any monitoring system fails to meet the quality assurance requirements of Appendix B of 40 CFR Part 75, data shall be substituted using the applicable procedures in Subpart D, Appendix D, or Appendix E of 40 CFR Part 75.

Condition 2-11: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 2-11.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

The address for the USEPA Administrator is as follows:



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

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

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring and Enforcement
625 Broadway, 2nd Floor
Albany N.Y. 12233-3258

AAR changes should be sent to the attention of:

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

The address for the RAPCE is as follows:

270 Michigan Avenue
Buffalo, NY 14203-2999

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-12: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.5

Item 2-12.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-12.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

The NO_x authorized account representative shall submit

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quarterly reports, as follows:

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

(2) The NOx authorized account representative shall submit each quarterly report to the Department and the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in Subpart H of 40 CFR Part 75 and 40 CFR 75.64. Quarterly reports shall include all of the data and information required in Subpart H of 40 CFR Part 75 for each NOx Budget unit (or group of units using a common stack) as well as information required in Subpart G of 40 CFR Part 75.

(3) 'Compliance certification.' The NOx authorized account representative shall submit to the Department and the Administrator a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

(i) The monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications; and

(ii) For a unit that is reporting on a control period basis under this subdivision the NOx emission rate and the NOx concentration values substituted for missing data under subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NOx emissions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 2-13: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 204-8.7



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Item 2-13.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-13.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor and report 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.

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 2-14: Visible Emissions Limited

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 211.3

Item 2-14.1:

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 2-15: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-15.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 2-15.2:

Compliance Certification shall include the following monitoring:

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



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Monitoring Description:

- 1) The daily 24 hour average sulfur content of coal being used in this facility's boilers shall not exceed 1.7 lbs per million BTUs. This limit shall be monitored by the use of a continuous emission monitoring system (CEMS) which measures sulfur dioxide emissions. The CEMS shall be installed and operated to meet the requirements of 40 CFR Part 75 Appendix A and shall meet the quality assurance and quality control requirements of 40 CFR Part 75 Appendix B.
- 2) The equivalent daily 24 hour average sulfur dioxide emission limit is 3.4 lbs./ million BTUs.
- 3) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitations of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Parameter Monitored: SULFUR DIOXIDE
Upper Permit Limit: 3.4 pounds per million Btus
Reference Test Method: 40 CFR 75 Appendix A
Monitoring Frequency: CONTINUOUS
Averaging Method: 24-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 2-16: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-16.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 2-16.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



Monitoring Description:

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 2.0 percent by weight
Reference Test Method: ASTM D 4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 2-17: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-17.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



Item 2-17.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1) The consecutive 3 month average sulfur content of coal being used in this facility's boilers shall not exceed 1.4 lbs per million BTUs. This limit shall be monitored by the use of a continuous emission monitoring system (CEMS) which measures sulfur dioxide emissions. The CEMS shall be installed and operated to meet the requirements of 40 CFR Part 75 Appendix A and shall meet the quality assurance and quality control requirements of 40 CFR Part 75 Appendix B.
- 2) The equivalent consecutive 3 month average sulfur dioxide emission limit is 2.8 lbs./million BTUs.
- 3) Quarterly, the facility shall report the cause of any exceedance of the sulfur in fuel limitations of this condition, and what corrective actions were taken to address the situation and prevent a reoccurrence. If there is no exceedance during the reporting period state so.

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 2.8 pounds per million Btus

Reference Test Method: 40 CFR 75 Appendix A

Monitoring Frequency: CONTINUOUS

Averaging Method: 3-MONTH AVERAGE ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 40: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

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

Item 40.1:

The Compliance Certification activity will be performed for the Facility.

Item 40.2:

Compliance Certification shall include the following monitoring:



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The Huntley Power LLC facility is permitted to burn up to 30,000 gallons annually (on a rolling 12 month basis) of waste fuel A typically consisting of oils such as lube, gear turbine and hydraulic oils. Only Waste Fuel A generated on site , none imported, may be burned in any of the boilers permitted.

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

- 1) The combustion efficiency of the furnace is at least 99% while burning waste fuel A. The requirements for monitoring combustion efficiency are contained in compliance monitoring condition for part 225-2.3(b)(1)(ii). See those conditions for details.
- 2) Records must be maintained showing the quantity of waste fuel A burned in each process at the facility for each 12 month period and updated monthly.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: OIL (NOT ELSEWHERE CLASSIFIED)

Parameter Monitored: OIL (NOT ELSEWHERE CLASSIFIED)

Upper Permit Limit: 30000 gallons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 41: Compliance Certification

Effective between the dates of 10/29/2001 and 10/29/2006

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

Item 41.1:

The Compliance Certification activity will be performed for the Facility.

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



Monitoring Description:

Combustion Efficiency while burning waste fuel A shall not be below 99%. Combustion Efficiency will be determined at each boiler burning Waste Fuel A once per permit term. This will be done by measuring the carbon monoxide (CO) and carbon dioxide (CO₂) emission in the flue gas during waste fuel A combustion and using the results to calculate combustion efficiency in accordance with the following formula:

$$\text{Combustion Efficiency} = \text{CO}_2 / (\text{CO} + \text{CO}_2)$$

EPA method 10, or other methods acceptable to the department, shall be used for measuring the CO emission rate.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: BITUMINOUS COAL

Parameter Monitored: COMBUSTION EFFICIENCY

Lower Permit Limit: 99 percent

Reference Test Method: see narrative

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 42: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 42.1:

The Compliance Certification activity will be performed for the Facility.

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

Total Halogen limit for waste fuel A

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 1000 parts per million by weight



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Reference Test Method: epa method 9077

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 43: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 43.1:

The Compliance Certification activity will be performed for the Facility.

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

minimum fuel heat content for waste fuel A

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: HEAT CONTENT

Lower Permit Limit: 125000 British thermal units per gallon

Reference Test Method: astm method D 240

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Averaging Method: MINIMUM - NOT TO FALL BELOW STATED VALUE AT ANY TIME

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 44: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 44.1:

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Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



The Compliance Certification activity will be performed for the Facility.

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Sulfur limitation for waste fuel A.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

Reference Test Method: astm D 4294

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 45: Compliance Certification

Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 45.1:

The Compliance Certification activity will be performed for the Facility.

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Fuel contaminant limitations in waste fuel A for Lead

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 250 parts per million by weight

Reference Test Method: EPA method 6010

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE



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Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 46: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.4(b)

Item 46.1:

The Compliance Certification activity will be performed for the Facility.

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

PCB contaminant limit for waste fuel A

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: CONCENTRATION

Upper Permit Limit: 49.99 parts per million by weight

Reference Test Method: epa method 8080

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL
CHANGE

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2002.

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

Condition 47: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 225-2.7(e)

Item 47.1:

The Compliance Certification activity will be performed for the Facility.

Item 47.2:

Compliance Certification shall include the following monitoring:

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Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Sampling and analysis of waste fuel A shall be done whenever the makeup of the waste stream changes and upon request by this department. Any sampling and analysis results shall be submitted to the department with the required semi- annual reports.

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 1/30/2002.

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

Condition 48: Compliance Certification
Effective between the dates of 10/29/2001 and 10/29/2006

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

Item 48.1:

The Compliance Certification activity will be performed for the Facility.

Item 48.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This facility is allowed to burn the following non-hazardous solid and liquid waste generated on site in its boilers by spreading on the coal pile:

- 1) Wastewater Treatment sludge
- 3) sand mixtures ,sandblasting material
- 4) coal filtering media
- 5) oily debris

Boiler chemical cleaning waste may also be thermally evaporated in the boiler provided it is determined to be nonhazardous as defined in 6NYCRR part 371.

The permittee is required to keep records of the quantities of each waste burned and the date.

Monitoring Frequency: PER BATCH OF PRODUCT/RAW MATERIAL CHANGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Reports due 30 days after the reporting period.
The initial report is due 1/30/2002.
Subsequent reports are due every 6 calendar month(s).

Condition 2-18: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-18.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-18.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

SCHEDULE OF COMPLIANCE - OPACITY REDUCTION
PROGRAM-CONSENT ORDER # 19990722

1. Objective

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

2. Exempt and Excusable Activities

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

During no fire activities, facility operators must make reasonable efforts to control opacity, and must document any excess opacity emission incident in accordance with the methods specified in this Schedule of Compliance. The term "reasonable efforts" includes but is not limited to

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pre and post cleaning of equipment as necessary to minimize coal dust entrainment, and the use of control equipment for any sandblasting operations.

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

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

3. Opacity Incident Reporting ("OIR")

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

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the following categories of information:

- a. identification of the process and/or equipment involved;
- b. the excess opacity emission incident start time;
- c. the six-minute average opacity measurements during the excess opacity emissions incident (the Department will accept this in the form of either a table or graph);
- d. the mode of operation (for example, cold startup);
- e. a description of the excess opacity emission incident and, as necessary, a sequence of all events that led up to/caused the incident(s);
- f. a description of the preliminary cause of the excess opacity emission incident;
- g. the corrective action taken, together with the date and time of same;
- h. the result(s) of the corrective action taken;
- i. the excess opacity emissions incident end time; and
- j. the status of air cleaning equipment, including but not limited to precipitator voltage or amperage, and number of precipitator fields in service.

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

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Permit ID: 9-1464-00130/00020

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4. Excess Emissions and Monitoring System Performance Reporting

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

- a. a summary page providing the total number of exceedances; total number of unexcused exceedances and the stipulated penalty type ("STP" as defined in Article II.D. of the Excess Opacity Order); the stipulated penalty calculation; monitor down time expressed as percentage of operating time; compliance rates, based on both total reported and unexcused exceedances expressed (to the hundredth) as a percentage of operating time;
- b. the magnitude, date and time of each six-minute block average during which the average opacity of emissions exceeds 20 percent, except for one six-minute block average per hour not to exceed 27 percent;
- c. for each excess opacity emission incident, specific identification of the cause and corrective action taken;
- d. identification of all periods of COMS down time, including the date, time and duration of each inoperable period, and the cause(s) and corrective action(s) for each period of COMS down time;
- e. the total time in which the COMS are required to record data during the reporting period ("time combustion installation is in service"); and
- f. the total number of excess opacity emission incidents and the duration of said incidents expressed as a percentage of the total time in which the COMS are required to record data.

5. Root Cause Analysis and Corrective Actions

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-19: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-19.1:

The Compliance Certification activity will be performed for the Facility.

Item 2-19.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130



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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average utilizing a continuous emission monitor.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 cfr 75

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 60 days after the reporting period.

The initial report is due 8/29/2005.

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

Condition 2-20: Compliance Plan

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-20.1:

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

Consent Order: 1999072229

Progress Report Begin Date: 07/30/2004

Item 2-20.2:

Remedial Measure:

Schedule Date: 04/30/2004

The "Opacity Consent Order" included a Compliance Schedule in Appendix A. The Permit includes this in a facility level compliance certification condition, 6NYCRR part 227-1.3(a).

Item 2-20.3:

Remedial Measure:

Schedule Date: 08/15/2004

Implement remedial activities identified in the Root Cause Analysis for 2003.

Item 2-20.4:

Remedial Measure:



New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

Schedule Date: 06/15/2005

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

Item 2-20.5:

Remedial Measure:

Schedule Date: 06/15/2006

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

Intermediate Milestones:

Schedule Date: 06/15/2004

Submit Opacity Root Cause Analysis for calendar year 2003.

Schedule Date: 07/30/2004

Submit progress report with TV semi-annual compliance reports.

Schedule Date: 01/30/2006

Submit progress report with TV semi-annual compliance reports.

Condition 50: Compliance Certification

Effective between the dates of 10/29/2001 and 10/29/2006

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

Item 50.1:

The Compliance Certification activity will be performed for the Facility.

Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As a compliance option for NO_x RACT, NRG has been approved to use a BTU-weighted NO_x emissions averaging plan. For each unit in the plan, NRG calculates (1) the amount of NO_x that is actually emitted during each averaging period and (2) the maximum amount of NO_x that would be allowed to be emitted if each unit were required to comply on an individual basis with the limits contained in 227-2.4(a), based on the units actual heat input during the averaging period. both the actual NO_x emitted and the allowable NO_x are summed for all units in the plan, and compliance is achieved if the actual emissions are less than the allowable emissions.

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

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

Condition 2-21: Accidental release provisions.
Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 40CFR 68

Item 2-21.1:

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 54: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 10/29/2001 and 10/29/2006

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

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Item 54.1:

This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is attached to this Title V facility operating permit.

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

Condition 56: Emission Point Definition By Emission Unit
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 56.1(From Mod 2):

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 350

Diameter (in.): 240

NYTMN (km.): 4765.02 NYTME (km.): 179.329 Building: STATION 1

Item 56.2(From Mod 2):

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 350

Diameter (in.): 225

NYTMN (km.): 4765.02 NYTME (km.): 179.329 Building: STATION 2

Condition 57: Process Definition By Emission Unit
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 201-6

Item 57.1(From Mod 2):

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

Emission Unit: U-00001

Process: P12

Source Classification Code: 1-01-002-01

Process Description:

Process P12 designates burning coal. DEC regulations restrict the sulfur content in the coal, these limits are now expressed in units of lb SO₂ emissions/MM Btu. This process also allows co-firing of distillate oil, wastewater treatment plant sludge, boiler cleaning

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chemicals, sand, sandblasting sand, coal filtering media, and oily debris. Huntley Power is granted the flexibility to burn these materials generated on-site. Also granted is the flexibility to burn other materials generated on-site not currently specified as part of this process provided they do not violate or change the requirements applicable to this process. Hourly and annual fuel consumption estimates are provided (as needed) in the emission calculation section of the Supporting Documentation. Records of the type and quantity of material disposed of will be maintained.

Emission Source/Control: S0063 - Combustion
Design Capacity: 1,028 million Btu per hour

Emission Source/Control: S0064 - Combustion
Design Capacity: 1,001 million Btu per hour

Emission Source/Control: S0065 - Combustion
Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S0066 - Combustion
Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S063C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S064C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S065C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S066C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 57.2(From Mod 2):

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

Emission Unit: U-00002

Process: P22

Source Classification Code: 1-01-002-12

Process Description:

Process P22 designates burning coal in boilers 67 & 68. DEC regulations restrict the sulfur content in the coal, these limits are now expressed in units of (lb SO₂ emissions)/MM Btu. This also allows co-firing of distillate oil, wastewater treatment plant sludge, boiler

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cleaning chemicals, sand, sandblasting sand, coal filtering media, and oily debris. Huntley Power is granted the flexibility to burn these materials generated on-site only. Huntley Power is also granted the flexibility to burn other materials not currently specified as part of this process provided they do not violate or change the requirements applicable to this process and are generated on-site. Hourly and annual fuel consumption estimates are provided (as needed) in the emission calculation section of the Supporting Documentation. Records of the type and quantity of material disposed of will be maintained.

Emission Source/Control: S0067 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0068 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S067C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S068C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 57.3(From Mod 2):

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

Emission Unit: U-00003

Process: P31

Source Classification Code: 3-05-010-11

Process Description:

Coal arriving at the station by rail car is unloaded at the rotary car dumper where coal is dumped into a hopper. Coal is transported on conveyor C-1A to Junction House 1-2, and onto conveyor C-2. C-2 transports coal to Junction House 2-3-12, where it can be directed into the plant (the bunkers) or to 1 of 2 breakers. From the coal breaker, the coal is transported by a series of conveyors to either the coal storage bunkers or the stackout conveyor which drops coal to the stackout pile. Process P31 contains 3 emission sources: S0005, the rail cars while waiting to be unloaded; S0006, dumping coal from the rail cars; and S0007, the stackout conveyor. Hourly and annual throughput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0005 - Process

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Emission Source/Control: S0006 - Process

Emission Source/Control: S0007 - Process

Item 57.4(From Mod 2):

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

Emission Unit: U-00003

Process: P32

Source Classification Code: 3-05-010-11

Process Description:

Coal that arrives by marine vessel is unloaded directly onto the coal pile. Coal unloading is the only emission source (S0008) associated with process P32. Hourly and annual thruput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0008 - Process

Item 57.5(From Mod 2):

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

Emission Unit: U-00003

Process: P33

Source Classification Code: 3-05-010-11

Process Description:

Coal that arrives by truck can be dumped in one of several places. This dumping operation is the only emission source (S0009) associated with process P33. Hourly and annual thruput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation

Emission Source/Control: S0009 - Process

Item 57.6(From Mod 2):

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

Emission Unit: U-00003

Process: P34

Source Classification Code: 3-05-010-11

Process Description:

This process includes the entrainment of coal dust in the air off the coal pile. Additionally, bulldozers are used to load coal out of the piles and dump it into a reclaim hopper and otherwise work the pile. There are two sources associated with this process: S0010, the coal pile itself; and S0011, transporting coal with



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bulldozers. Hourly and annual throughput estimates are provided (if needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0010 - Process

Emission Source/Control: S0011 - Process

Item 57.7(From Mod 0):

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

Emission Unit: U-00001

Process: P11

Source Classification Code: 1-01-002-02

Process Description:

Process P11 designates burning distillate oil only. Regulations restrict the sulfur content in the oil to a state enforceable limit of 1.5% by weight and a federally enforceable limit of 2.0% by weight maximum and 1.7 % by weight 3-month rolling average. Distillate oil is also used during start-up operations. Sulfur emission limitations cited in 6 NYCRR 225-1.2 apply during these operations. Other requirements associated with this process do not apply during startup.

Emission Source/Control: S0063 - Combustion

Design Capacity: 1,028 million Btu per hour

Emission Source/Control: S0064 - Combustion

Design Capacity: 1,001 million Btu per hour

Emission Source/Control: S0065 - Combustion

Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S0066 - Combustion

Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S063C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S064C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S065C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S066C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

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Item 57.8(From Mod 0):

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

Emission Unit: U-00001

Process: P13

Source Classification Code: 1-01-002-01

Process Description:

Process P13 is identical to process P12, except Waste Fuel A is also being fired or co-fired in this process. Records of quantity and type of fuel burned will be maintained. Huntley Power is granted the flexibility to burn Waste Fuel A generated on-site only.

Emission Source/Control: S0063 - Combustion

Design Capacity: 1,028 million Btu per hour

Emission Source/Control: S0064 - Combustion

Design Capacity: 1,001 million Btu per hour

Emission Source/Control: S0065 - Combustion

Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S0066 - Combustion

Design Capacity: 906.8 million Btu per hour

Emission Source/Control: S063C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S064C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S065C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S066C - Control

Control Type: ELECTROSTATIC PRECIPITATOR

Item 57.9(From Mod 0):

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

Emission Unit: U-00002

Process: P21

Source Classification Code: 1-01-002-12

Process Description:

Process P21 designates burning distillate oil only. Regulation restricts the sulfur content in the oil to a state enforceable limit of 1.5% by weight and a federally enforceable limit of 2.0% by weight maximum and 1.7 % by



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weight 3-month rolling average. Distillate oil is also used during start-up operations. Sulfur emission limitations cited in 6 NYCRR 225-1.2 apply during these operations. Other requirements associated with this process do not apply during startup.

Emission Source/Control: S0067 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0068 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S067C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S068C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Item 57.10(From Mod 0):

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

Emission Unit: U-00002

Process: P23

Source Classification Code: 1-01-002-12

Process Description:

Process P23 is identical to process P22, except Waste Fuel A is also being fired or co-fired in this process. Records shall be maintained as to type and quantity of waste fuel burned.

Emission Source/Control: S0067 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S0068 - Combustion
Design Capacity: 1,836 million Btu per hour

Emission Source/Control: S067C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Emission Source/Control: S068C - Control
Control Type: ELECTROSTATIC PRECIPITATOR

Condition 2-22: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-22.1:



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The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 2-22.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 60 days after the reporting period.

The initial report is due 8/29/2005.

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

Condition 2-23: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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



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Item 2-23.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 2-23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This emission units 30 day average NOx emissions must be below 1.0 pounds per mbtu and applies during the non-ozone season. Compliance with the NOx RACT limit is being met through a system wide averaging plan as approved by the department. See the compliance certification for the facility under 6 NYCRR part 227-2.5(b) for a general description of the plan. The system wide averaging plan is provided in the supporting documentation.

Manufacturer Name/Model Number: See quarterly EDR monitoring plans

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.0 pounds per million Btus

Reference Test Method: 40 cfr 75 appdx A

Monitoring Frequency: CONTINUOUS

Averaging Method: 30-DAY AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 2-24: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-24.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 2-24.2:



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Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This emission units 24 hour average NOx emissions must be below 1.0 pounds per mbtu and applies during the ozone season. Compliance with the NOx RACT limit is being met through a system wide averaging plan as approved by the department. See the compliance certification for the facility under 6 NYCRR part 227-2.5(b) for a general description of the plan. The system wide averaging plan is provided in the supporting documentation.

Manufacturer Name/Model Number: See quarterly EDR monitoring plans

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 1.0 pounds per million Btus

Reference Test Method: 40 cfr 75 Appdx A

Monitoring Frequency: CONTINUOUS

Averaging Method: 24-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

**Condition 62: Alternate CEMs requirements.
Effective between the dates of 10/29/2001 and 10/29/2006**

Applicable Federal Requirement: 6NYCRR 227-2.6(b)(5)

Item 62.1:

This Condition applies to Emission Unit: U-00001

Process: P12

Emission Source: S063C

Item 62.2:

The owner/operator shall measure NOx emissions with a continuous emissions monitoring system which follows the procedures in 40 CFR Part 75.

**Condition 2-25: Compliance Certification
Effective between the dates of 04/13/2005 and 10/29/2006**

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

Item 2-25.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Process: P12

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Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 2-25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of the permissible emission rates specified in Table 1 of subdivision (b) of 6 NYCRR 227-1.2 from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal.
- 2.) The maximum heat input to this stack is 3532mmBtu/hr. Using the equation $E = 1.0(p^{0.22})$ from 6 NYCRR Part 227-1.2(b) table 1, footnote b, where 'E' is the permissible emission rate, and 'p' is the maximum heat input capacity in mmBtu/hr, the permissible emission rate is 0.166.
- 3.) While firing coal, the facility shall conduct a stack emission test of each boiler for particulates once a year based on methods in Parts 202-1.1 & 202-1.3, or equivalent. The first test must be completed within 12 months of this permit modification issue date. At its option, the Department may request additional testing of particulates during the co-firing of waste fuel A and other waste material generated on site in conjunction with the scheduled testing under this compliance monitoring condition. Stack testing shall be done according to EPA Method 5 and shall follow Department guidance for stack testing of stationary combustion installations.
- 4.) A stack test protocol must be submitted for approval 30 days prior to the proposed test date. DEC personnel must be given the opportunity to witness testing. A report of results must be submitted to DEC within 60 days after testing for approval.
- 5.) The test protocol shall include provision for recording during each test run the values for ESP primary voltage, secondary voltage (where available), and amperage on each electrical field. Where monitoring equipment is analog recording shall be done annually. The final test

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report shall include this data.

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.166 pounds per million Btus

Reference Test Method: EPA method 5

Monitoring Frequency: ANNUALLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-26: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-26.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Process: P12

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 2-26.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

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

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

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

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

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

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

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

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

Parameter Monitored: VOLTAGE

Lower Permit Limit: 18000 volts

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: SEMI-ANNUALLY (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 2-27: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-27.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Item 2-27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- 1) Magnitude, date, and time of each exceedence;
- 2) For each period of excess emissions, specific identification of the cause and corrective action taken;
- 3) Date, time, and duration of each period of COMS downtime, and the corrective action for each period of downtime;

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4) Total time the COMS is required to record data during the reporting period;

5) The total number of exceedences and the duration of exceedences expressed as a percentage of the total time in which the COMS are required to record data; and

6) Such other requirements as the Department may deem necessary in order to enforce Article 19 of the Environmental Conservation Law (ECL).

Monitoring Frequency: CONTINUOUS
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 8/29/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 2-28: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-28.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

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

Item 2-28.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)
Monitoring Description:

This emission units 30 day average NO_x emissions must be below 0.42 pounds per mbtu and applies during the non-ozone season. Compliance with the NO_x RACT limit is being met through a system wide averaging plan as approved by the department. See the compliance certification for the facility under 6 NYCRR part 227-2.5(b) for a general description of the plan. The system wide averaging plan is provided in the supporting documentation.

Manufacturer Name/Model Number: See quarterly EDR monitoring plans



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Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 0.42 pounds per million Btus
Reference Test Method: 40 cfr 75 appdx A
Monitoring Frequency: CONTINUOUS
Averaging Method: 30-DAY AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 2-29: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-29.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Regulated Contaminant(s):

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

Item 2-29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This emission units 24 hour average NOx emissions must be below 0.42 pounds per mbtu and applies during the ozone season. Compliance with the NOx RACT limit is being met through a system wide averaging plan as approved by the department. See the compliance certification for the facility under 6 NYCRR part 227-2.5(b) for a general description of the plan. The system wide averaging plan is provided in the supporting documentation.

Manufacturer Name/Model Number: See quarterly EDR monitoring plans

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.42 pounds per million Btus

Reference Test Method: 40 cfr part 75 appdx A

Monitoring Frequency: CONTINUOUS

Averaging Method: 24-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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



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Condition 68: Alternate CEMs requirements.
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 227-2.6(b)(5)

Item 68.1:

This Condition applies to Emission Unit: U-00002
Process: P22 Emission Source: S0067

Item 68.2:

The owner/operator shall measure NOx emissions with a continuous emissions monitoring system which follows the procedures in 40 CFR Part 75.

Condition 2-30: Compliance Certification
Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-30.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: P22

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

Item 2-30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

- 1.) No person shall cause or allow an emission into the outdoor atmosphere of particulates in excess of the permissible emission rates specified in Table 1 of subdivision (b) of 6 NYCRR 227-1.2 from any stationary combustion installation burning coal and/or wood, coke, or any solid fuel derived from coal.
- 2.) The maximum heat input to this stack is 3672 mmBtu/hr. Using the equation $E = 1.0/(p^{0.22})$ from 6 NYCRR Part 227-1.2(b) table 1, footnote b, where 'E' is the permissible emission rate, and 'p' is the maximum heat input capacity in mmBtu/hr, the permissible emission rate is 0.164.

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

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

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

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.164 pounds per million Btus

Reference Test Method: epa method 5

Monitoring Frequency: ANNUALLY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 2-31: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-31.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002

Process: P22

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

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Item 2-31.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

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

Details of the monitoring program are as follows:

a.) During normal operation, average ESP voltage shall not fall below the LCL of 180 primary volts or 18 kilovolts (KV) if secondary voltage is monitored. (Normal operation occurs when coal is being fed into the boilers) If voltage monitoring is performed by Distributed Control System (DCS) or similar digital data acquisition system, average ESP voltage shall be monitored continuously and recorded hourly either by hard copy or electronically. If DCS is unavailable, voltage in each ESP field shall be recorded manually and average ESP voltage shall be calculated and recorded once every four hours. Average voltage (V) is sum of all T/R set voltages for a given ESP divided by the number of T/R sets. $[V = (V1 + V2...+Vn)/n]$. All ESP T/R sets shall be counted for this calculation. Voltage records shall be maintained in the operations control room and be routinely reviewed by shift operations managers. Such records shall be made available to the Department upon request during normal business hours.

b.) Within 48 hours of any ESP average voltage dropping below the LCL, the facility shall inspect the ESP as necessary, determine the cause of the excursion, determine whether timely corrective action is possible and submit a preliminary assessment report to the Department Region 9 office either by e-mail or FAX. If voltage cannot be restored to above the LCL within 7 days the facility shall formulate a plan of corrective action including a time frame for completion and submit a written report to the Department within 14 days for review and approval. The facility shall incorporate Department



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comments and implement the corrective action(s) accordingly. Failure to complete the program of correction according to the approved schedule contained therein shall be considered a violation of this permit.

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

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

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

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

Parameter Monitored: VOLTAGE

Lower Permit Limit: 18000 volts

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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

Reporting Requirements: SEMI-ANNUALLY (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 2-32: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 6NYCRR 211.3



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Item 2-32.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Item 2-32.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The ash silo dump and roadways described under emission unit 3 are subject to the opacity requirements under 6NYCRR Part 211.3. The facility shall control fugitive emissions as follows:

The ash silo is vented to one of the boiler electrostatic precipitators. A new Ramsey gauge level, Model CL1100a has been installed and a 3M heat gun is used to double check level to insure overfilling of silo does not occur. A level indicator readout is located at the silo control pulpit, as well as, at the boiler control room. The ash silo level will be checked once per shift and level recorded in a bound notebook.

Ash is removed from the silo by emptying into either tankers or dump trucks. The ash is mixed with water to prevent entrainment while unloading. The discharge boot drops onto the tankers and a chute with aprons is used to load the dump trucks. The operator must insure that the mix of ash to water is enough to ball up the ash and, minimize entrainment. Records of water usage and observations of ash condition must be recorded per shift in a bound notebook.

All dump trucks must be covered before leaving NRG property.

Roadways- All roadways must be washed down to minimize dust entrainment, as necessary and daily records kept noting if water truck was used and if not why not.

Once per day opacity shall be observed from ash silo dump, and roadways using method 22.

1) This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

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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:

- weather condition
- was opacity observed

3) If the operator observes any visible emissions (other than steam), then appropriate corrective action must be taken as described above. If opacity continues 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 of 20% is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

The permittee must submit semiannual reports as well as annual certification report per the requirements of 6 NYCRR part 201-6.5(e).

Reference Test Method: EPA method 22 and 9
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 2-33: Compliance Certification

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable Federal Requirement: 40CFR 60.252(c), NSPS Subpart Y

Item 2-33.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Item 2-33.2:

Compliance Certification shall include the following monitoring:

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Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Subpart Y applies at Huntley for coal processing and conveying equipment, coal storage system and coal transfer and loading system. Coal dust can create an explosive condition and is monitored and minimized by the plant, for safety reasons, beyond what is required for meeting the opacity limits of this regulation. Areas in particular that will be monitored for opacity and compliance with Subpart Y are:

A) The entrance and exit to the rail car unloading building: -Emissions minimized with the use of a nonhazardous soapy water sprayed into the chute as the rail car is flipped upside down in the building. Use is dependant on observation of any opacity by employees. Facility operators must maintain spray equipment in working order and use whenever opacity is observed. Records of daily observations and corrective action taken must be maintained in a logbook on site including if spray equipment was not used and why. If opacity continues then a method 9 analysis will be required as stated below in items 1 through 3.

B) Conveyors or chutes not enclosed in a building or underground are the 2 reclaim hoppers, stack out conveyor and conveyor unloading marine vessels. The height of the stack out conveyor and marine vessel conveyor is adjustable and must be maintained close to the pile to minimize fugitive emissions. Once per day opacity shall be observed from the stack out conveyor, 2 reclaim hoppers and if present the marine vessel conveyor using method 22.

1) 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:

- weather condition
- was opacity observed

3) If the operator observes any visible emissions (other than steam), then appropriate corrective action must be

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taken. If opacity continues then a Method 9 analysis 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 of 20% is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

The permittee must submit semiannual reports and annual compliance certification report per the requirements of 6 NYCRR part 201-6.5(e).

Reference Test Method: EPA method 22 and 9

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).



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 2-34: Contaminant List

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: ECL 19-0301

Item 2-34.1:

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



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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 007446-09-5

Name: SULFUR DIOXIDE

Condition 2-35: Unavoidable noncompliance and violations
Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 201-1.4

Item 2-35.1:

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

(a) The facility owner and/or operator shall compile and maintain records of all equipment maintenance or start-up/shutdown activities when they can be expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the commissioner's representative when requested to do so in writing or when so required by a condition of a permit issued for the corresponding air contamination source except where conditions elsewhere in this permit which contain more stringent reporting and notification provisions for an applicable requirement, in which case they supercede those stated here. Such reports shall describe why the violation was unavoidable and shall include the time, frequency and duration of the maintenance and/or start-up/shutdown activities and the identification of air contaminants, and the estimated emission rates. If a facility owner and/or operator is subject to continuous stack monitoring and quarterly reporting requirements, he need not submit reports for equipment maintenance or start-up/shutdown for the facility to the commissioner's representative.

(b) In the event that emissions of air contaminants in excess of any emission standard in 6 NYCRR Chapter III Subchapter A occur due to a malfunction, the facility owner and/or operator shall report such malfunction by telephone to the commissioner's representative as soon as possible during normal working hours, but in any event not later than two working days after becoming aware that the malfunction occurred. Within 30 days thereafter, when requested in writing by the commissioner's representative, the facility owner and/or operator shall submit a written report to the commissioner's representative describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates. These reporting requirements are superceded by conditions elsewhere in this permit which contain reporting and notification provisions for applicable requirements more stringent than those above.

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant



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emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.

(d) In the event of maintenance, start-up/shutdown or malfunction conditions which result in emissions exceeding any applicable emission standard, the facility owner and/or operator shall take appropriate action to prevent emissions which will result in contravention of any applicable ambient air quality standard. Reasonably available control technology, as determined by the commissioner, shall be applied during any maintenance, start-up/shutdown or malfunction condition subject to this paragraph.

(e) In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets.

Condition 73: Air pollution prohibited
Effective between the dates of 10/29/2001 and 10/29/2006

Applicable State Requirement: 6NYCRR 211.2

Item 73.1:

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 2-36: Compliance Demonstration
Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-36.1:

The Compliance Demonstration activity will be performed for the Facility.

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

Item 2-36.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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



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

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

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
Parameter Monitored: SULFUR CONTENT
Upper Permit Limit: 1.5 percent by weight
Reference Test Method: ASTM D 4294
Monitoring Frequency: PER DELIVERY
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 2-37: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-37.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-37.2:

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

Any person who owns a stationary combustion installation (excluding gas turbines), with a total maximum heat input



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

Parameter Monitored: OPACITY
Upper Permit Limit: 20 percent
Reference Test Method: 40CFR60 Appendix B
Monitoring Frequency: CONTINUOUS
Averaging Method: 6 MINUTE AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 60 days after the reporting period.
The initial report is due 8/29/2005.
Subsequent reports are due every 3 calendar month(s).

**Condition 2-38: Applicable Facility, with a unit of a capacity of 25 MWe or greater
Effective between the dates of 04/13/2005 and 10/29/2006**

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

Item 2-38.1:

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 NOx budget unit, and any source that includes one or more such units shall be a NOx budget source, subject to the requirements of NYCRR 237.

**Condition 2-39: Permit Requirements
Effective between the dates of 04/13/2005 and 10/29/2006**

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

Item 2-39.1:

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



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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 2-40: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-40.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-40.2:

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.

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.



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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: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 2-41: Recordkeeping and Reporting Requirements

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-41.1:

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.

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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 2-42: Liability- facility no common stacks
Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-42.1:

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 source (including a provision applicable to the NOx authorized account representative of a NOx budget source) shall also apply to the owners and operators of such source and of the NOx budget units at the source.

Condition 2-43: Effect on other Authorities
Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-43.1:

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 2-44: Authorization and responsibilities of the NOx authorized account representative
Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 237-2

Item 2-44.1:

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



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agreement binding on the owners and operators of the source and all NOx budget units at the source.

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

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

Each submission under the ADR NOx Budget Trading Program shall be submitted, signed, and certified by the NOx authorized account representative for each NOx budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the NOx authorized account representative: "I am authorized to make this submission on behalf of the owners and operators of the NOx budget sources or NOx budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

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

Condition 2-45: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 237-4.1

Item 2-45.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-45.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

- (1) identification of each NOx budget unit;
- (2) except in instances when the NOx budget unit seeks to use future control period NOx allowances which may be deducted pursuant to NYCRR 237-6.5(f), at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under NYCRR 237-6.5 for the control period;
- (3) at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with NYCRR 237-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under NYCRR 237-6.5(e);
- (4) for units using future control period allowances for compliance purposes pursuant to NYCRR 237-6.5(f), the statement of intent and report required under NYCRR 237-6.5(f)(2); and
- (5) the compliance certification under NYCRR 237-4(c).

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

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report in compliance with the requirements of the ADR NO_x Budget Trading Program applicable to the unit, including:

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

(c) whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with NYCRR 237-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(d) whether the facts that form the basis for certification under NYCRR 237-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under NYCRR 237-8, if any, has changed; and

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

Reporting Requirements: SEPTEMBER 30

Condition 2-46: Submission of NO_x allowance transfers
Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 237-7.1

Item 2-46.1:

The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall



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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 2-47: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 237-8

Item 2-47.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-47.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx budget unit, shall comply with the monitoring and reporting requirements as provided in this NYCRR 237-8 and in Subpart H of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 237-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "NOx budget unit," and "NOx authorized account representative," respectively, as defined in section 237-1.2.

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING



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DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 2-49: Applicability

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 238-1.4

Item 2-49.1:

This facility has one or more affected SO₂ budget units as defined at 42 U.S.C. section 7651aC(2) and is subject to the requirements of NYCRR 238.

Condition 2-50: Permit Requirements

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-50.1:

The SO₂ authorized account representative of each SO₂ budget unit shall:

(i) submit to the department a complete SO₂ budget permit application under section 238-3.3 in accordance with the deadlines specified in NYCRR 238-3.2, which states the later of October 1, 2004 or 12 months before the date on which the SO₂ budget unit commences operation;

(ii) submit in a timely manner any supplemental information that the department determines is necessary in order to review an SO₂ budget permit application and issue or deny an SO₂ budget permit.

The owners and operators of each SO₂ budget unit shall have an SO₂ budget permit and operate the unit in compliance with such SO₂ budget permit.

Condition 2-51: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-51.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-51.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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Owners and operators of each SO₂ budget source and each SO₂ budget unit at the source shall hold SO₂ allowances available for compliance deductions under NYCRR 238-6.5, as of the SO₂ allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total SO₂ emissions for the control period from the unit, as determined in accordance with NYCRR 238-8.

Each ton of sulfur dioxide emitted in excess of the SO₂ budget emissions limitation shall constitute a separate violation of this Part, the Act, and applicable State law.

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

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

Except for future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), an SO₂ allowance shall not be deducted, in order to comply with the requirements under NYCRR 238-1.6(c)(1) for a control period in a year prior to the year for which the SO₂ allowance was allocated.

An SO₂ allowance allocated by the department under the ADR SO₂ budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program. No provision of the ADR SO₂ Budget Trading Program, the SO₂ budget permit application, or the SO₂ budget permit or any provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

An SO₂ allowance allocated by the department under the ADR SO₂ Budget Trading Program does not constitute a property right.

The owners and operators of an SO₂ budget unit that has excess emissions in any control period shall: Forfeit the SO₂ allowances required for deduction under NYCRR



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238-6.5(d)(1); and Pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 238-6.5(d)(3).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 2-52: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-52.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-52.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Unless otherwise provided, the owners and operators of the SO₂ budget source and each SO₂ budget unit at the source shall keep on site or at a site approved by the Department each of the following documents for a period of 5 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 5 years, in writing by the department.

The account certificate of representation for the SO₂ authorized account representative for the source and each SO₂ budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with NYCRR 238-2.4; provided that the certificate and documents shall be retained on site at the source beyond such 5-year period until such documents are superseded because of the submission of a new account certificate of representation changing the SO₂ authorized account representative;

All emissions monitoring information, in accordance with NYCRR 238-8;

Copies of all reports, compliance certifications, and



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other submissions and all records made or required under the ADR SO2 Budget Trading Program;

Copies of all documents used to complete an SO2 budget permit application and any other submission under the ADR SO2 Budget Trading Program or to demonstrate compliance with the requirements of the ADR SO2 Budget Trading Program;

The SO2 authorized account representative of an SO2 budget source and each SO2 budget unit at the source shall submit the reports and compliance certifications required under the ADR SO2 Budget Trading Program, including those under NYCRR 238-4, or 238-8.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 2-53: Liability

Effective between the dates of 04/13/2005 and 10/29/2006

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

Item 2-53.1:

No permit revision shall excuse any violation of the requirements of the ADR SO2 Budget Trading Program that occurs prior to the date that the revision takes effect.

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget source (including a provision applicable to the SO2 authorized account representative of an SO2 budget source) shall also apply to the owners and operators of such source and of the SO2 budget units at the source;

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget unit (including a provision applicable to the SO2 authorized account representative of an SO2 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 SO2 authorized account representative of one SO2 budget unit shall not be liable for any violation by any other SO2 budget unit of which they are not owners or operators or the SO2 authorized account representative and that is located at a source of which they are not owners or operators or the SO2 authorized account representative.

Condition 2-48: Effect on Other Authorities

Effective between the dates of 04/13/2005 and 10/29/2006

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



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Item 2-48.1:

No provision of the ADR SO₂ Budget Trading Program, an SO₂ budget permit application, or an SO₂ budget permit, shall be construed as exempting or excluding the owners and operators and, to the extent applicable, the SO₂ authorized account representative of an SO₂ budget source or SO₂ budget unit from compliance with any other provisions of applicable State and federal law and regulation.

Condition 2-54: Submissions to the Department

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 238-2.1

Item 2-54.1:

Each submission under the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program shall be submitted, signed, and certified by the SO₂ authorized account representative for each SO₂ budget source on behalf of which the submission is made. Each such submission shall include the following certification statement by the SO₂ authorized account representative:

"I am authorized to make this submission on behalf of the owners and operators of the SO₂ budget sources or SO₂ budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

Condition 2-55: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 238-4.1

Item 2-55.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-55.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO₂ budget units at a source are subject to the SO₂ budget emissions limitation, the SO₂ authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance

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certification report for each source covering all such units; as per NYCRR 238-4.

The SO₂ authorized account representative shall include in the compliance certification the following elements, in a format prescribed by the department, concerning each unit at the source and subject to the SO₂ budget emissions limitation for the control period covered by the report:

- (1) identification of each SO₂ budget unit;
- (2) except in instances when the SO₂ budget unit seeks to use future control period SO₂ allowances which may be deducted pursuant to NYCRR 238-6.5(f), at the SO₂ authorized account representative's option, the serial numbers of the SO₂ allowances that are to be deducted from each unit's compliance account under NYCRR 238-6.5 for the control period;
- (3) at the SO₂ authorized account representative's option, for units sharing a common stack and having SO₂ emissions that are not monitored separately or apportioned in accordance with NYCRR 238-8, the percentage of SO₂ allowances that is to be deducted from each unit's compliance account under NYCRR 238-6.5(e);
- (4) for units using future control period allowances for compliance purposes pursuant to NYCRR 238-6.5(f), the statement of intent and report required under NYCRR 238-6.5(f)(2); and
- (5) the compliance certification under NYCRR 238-4.1(c).

In the compliance certification report, the SO₂ authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the SO₂ budget units at the source in compliance with the ADR SO₂ Budget Trading Program, whether each SO₂ budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the ADR SO₂ Budget Trading Program applicable to the unit, including:

- (a) whether the unit was operated in compliance with the

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SO2 budget emissions limitation;

(b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute SO2 emissions to the unit, in accordance with Subpart 238-8;

(c) whether all the SO2 emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 238-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

(d) whether the facts that form the basis for certification under Subpart 238-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 238-8, if any, has changed; and

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 2-56: Submission of SO2 allowance transfers
Effective between the dates of 04/13/2005 and 10/29/2006**

Applicable State Requirement: 6NYCRR 238-7.1

Item 2-56.1:

The SO2 authorized account representatives seeking recordation of an SO2 allowance transfer shall



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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.

Condition 2-57: Compliance Demonstration

Effective between the dates of 04/13/2005 and 10/29/2006

Applicable State Requirement: 6NYCRR 238-8

Item 2-57.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 2-57.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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