



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-1464-00130/00020
Effective Date: 01/30/2009 Expiration Date: 01/29/2014

Permit Issued To: HUNTLEY POWER LLC
211 CARNEGIE CENTER
PRINCETON, NJ 08540

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:

This permit is for the renewal of the NRG Huntley Steam Generating Station's Title V operating permit.

The Huntley Power Station is located on the shore of Lake Erie, in the town of Tonawanda Erie County, NY. The electrical generating facility consists of two pulverized coal, dry-bottom, tangential-fired boilers that primarily fire sub-bituminous coal which can produce up to 400 megawatts of electricity. The boilers fire distillate oil during various startup modes.

Boilers 66 and 67 have a maximum heat input of 1836mmBtu/hr each and exhaust combustion emissions through a common stack identified as emission point 2. Steam from each boiler is used to power a steam turbine-generator set. Boilers 66 and 67 are capable of producing enough steam to generate 200 megawatts of electricity each. Combustion Engineering manufactured unit 67 in 1957 and unit 68 in 1958. Units 67 and 68 are tangentially fired dual furnace boilers, where there are two separate fire boxes and a common primary steam header for each boiler. For each boiler one dual furnace produces the super heat steam while the other dual furnace creates reheat steam. Both units use hot side electrostatic precipitators (ESPs) to control particulate emissions.

The facility maintains an emergency power generating diesel engine for use when the main power supply is unobtainable. The emergency power generator is exempt from permitting so long as it operates less than 500 hours per year, is used strictly for emergency conditions and maintains records according to the requirements of 6 NYCRR Part 201-3.2(a). See the general condition in the permit under " Proof of Eligibility", 6



NYCRR Part 201-3.2(a) for record keeping requirements.

Recent Developments:

1. On January 10, 2002, New York State filed a Complaint in federal court alleging Niagara Mohawk Power Corporation and NRG Energy, Inc. and related companies (NRG) violated New Source Review (NSR) requirements by undertaking major modifications without the appropriate permits. The court granted NRG's Motion to Dismiss the Complaint ruling that NRG has not violated and could not have violated NSR requirements of the Clean Air Act related to the modifications undertaken by the former owner, Niagara Mohawk Power, Inc. However, the court allowed an amended complaint which alleged that NRG had violated the terms of its Title V operating permit and that NRG had operated with a deficient operating permit in violation of 6 NYCRR Part 201 and other federal requirements. On June 6, 2005, the United States Court for the Western District of New York issued a consent decree (02-CV-0024S) to resolve this matter. The Order requires annual sulfur dioxide (SO₂) and nitrogen oxide (NO_x) emission reductions as well as the permanent shut down of unit 63 thru 66 (100 MW units each).

Those requirements are included in the compliance schedule contained in this permit. The annual reductions are phased in over a number of years. The annual SO₂ and NO_x limits apply to the combined emissions from the Dunkirk Steam Generating Station (Chautauqua County) and the Huntley Steam Generating Station from calendar year 2005 through 2013 for SO₂ and through 2012 for NO_x. Both facilities must apply for permit modifications by June 1, 2013 which will convert the ultimate combined emission limits into annual emission limits for each plant. These limits will remain in effect as provided in the Consent Decree unless they are superseded by other regulatory requirements. The SO₂ reductions will occur through the use of sub-bituminous coal and the installation of a dry acid gas scrubber system. NO_x emissions will be reduced through staged combustion and the installation of selective non-catalytic reduction (SNCR) control. This process will require the handling and storage of relatively large quantities of urea. The storage and handling of urea on site above a threshold quantity is regulated by 40 CFR Part 68, "Chemical Accident Prevention Provisions" and administered by The US Environmental Protection Agency (EPA). Conditions in this permit will ensure the facility is complying with all applicable provisions of 40CFR Part 68 prior to storing such chemicals on site.

2. Following up on an October 24, 2005 decision by the United States Court of Appeals for the Second Circuit the permit includes a compliance schedule with specific substantial annual emission limits/reductions up to and including the year 2013 for SO₂ and 2012 for NO_x. These emission limits arise out of the consent decree discussed in item 1 above. After that time the facility is required to modify its Title V permit to include plant-wide limits for each contaminant which apportions the final SO₂ and NO_x emission limits between NRG's Huntley and Dunkirk plants. Compliance with the schedule and the Consent Decree described above will be tracked by the Department.

The permit contains requirements for prompt deviation reporting which mirror the prompt reporting requirements contained in Part 71.6(a)(3)(ii), of EPA's federal operating permit program, for both hazardous air pollutants and any other regulated air pollutant. These requirements are contained in this permit under the 6 NYCRR Part 201- 6.5(c)(3)(ii) citation. The permit also contains prompt reporting requirements for opacity exceedances under 6NYCRR Part 227-1.7(a) citation.

3. This permit contains a compliance schedule for addressing excess opacity events. The



compliance schedule in this permit replaces the Excess Opacity Consent Order (CO9-19990722-29). The Excess Opacity Order ends when this permit is issued. The compliance schedule in this permit addresses the design, construction, and installation of fabric filters on all four boilers which will replace the existing ESPs for particulate control. A reduction in both particulate emissions and opacity will occur. The compliance schedule also covers the design, construction, and installation of equipment to further control SO₂, NO_x and mercury.

4. The State's Acid Deposition Reduction (ADR) Program regulates emissions of NO_x during the non-ozone season (November through April) and annual emissions of SO₂ (6NYCRR Part 237 and Part 238 respectively). NO_x and SO₂ allowances are issued under this program. The facility must demonstrate compliance with its allowance allocation annually. These requirements are contained in this permit. M

4. The State's Acid Deposition Reduction (ADR) Program regulates emissions of NO_x during the non-ozone season (November through April) and annual emissions of SO₂ (6 NYCRR Part 237 and Part 238 respectively) were added to this permit. NO_x and SO₂ allowances are issued under this program. The facility must demonstrate compliance with its allowance allocation annually. These requirements are contained in this permit.

5. The State's CAIR (Clean Air Interstate Rule) rules regulate emissions of NO_x during the ozone season (May 1 through September 30th) starting in 2009 (6NYCRR Part 243), annual emissions of NO_x starting in 2009 (6NYCRR Part 244), and annual emissions of SO₂ starting in 2010 (6NYCRR Part 245), were added to this permit. The facility must possess at least as many tons of emission allocations as it emitted tons of NO_x and SO₂. The CAIR program is intended to replace the State Acid Deposition Reduction Programs (6NYCRR Part 237 and 238) and the NO_x Budget Trading Program (6NYCRR Part 204).

6. The Compliance Assurance Monitoring (CAM), 40 CFR Part 64, conditions for particulates (PM) from the boilers were modified. The PM CAM conditions for the ESPs now include opacity action levels, updated ESP voltage action levels, and the existing annual PM compliance testing. If either the opacity baseline exceeds the set action levels or the ESP voltages falls below the set action level, the facility must notify the Department of the problem and take corrective action. If the minimum voltage or maximum opacity can not be reestablished a particulate emission stack test must be completed to determine the compliance status of particulate emissions from that unit. The voltages and opacity must be recorded continuously.

A CAM condition for PM from the boilers was added to the permit and becomes effective when the ESP's are replaced by baghouses in late 2009. CAM continues the annual compliance testing requirement. CAM requires the use of a baghouse leak detection system to monitor and record changes in the particulate loading after the baghouse. This is consistent with the newly revised Standards of Performance for Electric Utility Steam Generating Units, 40 CFR 60 Subpart Da.

7. This permit includes conditions for implementing the State mercury reduction program. The conditions include testing, certification, monitoring, record keeping, and reporting requirements. The facility is limited to 110.0 pounds of mercury per year starting in 2010 through 2014, after which time the limit becomes 0.6 pounds of mercury per trillion Btu. The facility expects to meet these limits by installing fabric filters and injecting powdered activated carbon (PAC) into the exhaust gas stream prior to the bag collectors.



8. The facility will use a Trona (sodium mineral) injection system to facilitate the reduction of SO₂ emissions. The processing and conveying the mineral will cause the facility to be subject to New Source Performance Standard for Non-Metallic Mineral Processing Plants, 40 CFR 60 Subpart OOO. This permit requires the facility to submit a plan for demonstrating compliance with Subpart OOO to the Department for review and approval. The plan, emission limits, monitoring, record keeping and reporting requirements become enforceable requirements of this permit upon approval by the Department.

9. On October 24, 2003 NRG notified EPA that it planned to switch to an inherently less polluting fuel (that is, either fully or partially from eastern bituminous to low-sulfur Powder River Basin coal). Based on the information provided to EPA, it was concluded that the subject coal switch would not result in an increase in emissions which would exceed Prevention of Significant Deterioration (PSD) thresholds. EPA acknowledged this in its January 27, 2004 reply letter. The facility subsequently undertook the necessary equipment modifications to effect the change. The facility currently uses 100% PRB (sub-bituminous) coal to fuel its boilers.

10. The flyash silo, baghouses and vents were added to this permit and must meet applicable requirements of 6NYCRR Part 212 with respect to opacity and particulates.

Continuing Permit Items:

1. 6 NYCRR Part 225-1, "Fuel Composition and Use - Sulfur Limitations" establishes fuel sulfur content limits for oil and coal burned in its boilers. The federally enforceable limits from Part 225-1, Table 1 are included in the "Federally Enforceable Conditions" in this permit while more stringent state enforceable limits from Part 225-1, Table 2 are contained in the "State Only Enforceable Conditions" in this permit.

2. This permit also contains limits for burning Waste Fuel A under 6NYCRR Part 225-2 which limits the constituents of waste fuel to be burned for energy recovery. The plant may not burn more than 30,000 gallons of Waste Fuel A over a twelve month period.

3. 6NYCRR Part 227-1 limits particulate emissions and smoke opacity from the boilers. The facility is required to use Continuous Opacity Monitoring Systems (COMS) to monitor opacity. Monitoring conditions limit opacity to 20% or less for a 6 minute average. Part 227-1 also requires reporting of opacity exceedances quarterly. Opacity monitoring using COMS is required by 40 CFR Part 75.

4. This permit contains monitoring conditions for compliance with 6NYCRR Part 227-2 which limits emissions of NO_x. The facility installed low nitrogen oxide burners on both boilers before May 1995. The station is part of a Department approved system wide averaging plan to meet the nitrogen oxide emission limits of Part 227-2, NO_x Reasonably Available Control Technology (RACT), the plan is attached as an appendix.

5. The Acid Rain Permit for this facility required under 40 CFR Part 72, is referenced in this permit and was issued separately at the same time. The Acid Rain permit sets SO₂ and NO_x emission rate limits and requires the installation, operation, maintenance, and calibration of continuous emissions monitoring systems (CEMS) and continuous opacity monitoring systems (COMS) which covered by the requirements of 40 CFR Part 75.



6. The coal handling system is subject to 40 CFR 60 Subpart Y, Standards of Performance for Coal Preparation Plants. A Subpart Y Compliance Certification condition for monitoring opacity is part of the permit.

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

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

Authorized Signature: _____ Date: ___ / ___ / _____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance 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 any 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, modifications and transfers
 - Applications for Permit Renewals and Modifications
 - Permit modifications, suspensions or revocations by the Department
 - Permit Modifications, Suspensions and Revocations by the Department

Facility Level

- Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS



DEC GENERAL CONDITIONS

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

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

Condition 2: Relationship of this Permit to Other Department Orders and Determinations

Applicable State Requirement: ECL 3-0301.2(m)

Item 2.1:

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

Condition 3: Applications for permit renewals, modifications and transfers

Applicable State Requirement: 6NYCRR 621.11

Item 3.1:

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

Item 3.2:

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



Item 3.3:

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

Condition 4: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6NYCRR 621.13

Item 4.1:

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 4.2:

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 4.3:

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

Condition 5: Permit modifications, suspensions or revocations by the Department

Applicable State Requirement: 6NYCRR 621.13

Item 5.1:

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 6: Permit Modifications, Suspensions and Revocations by the Department

Applicable State Requirement: 6NYCRR 621.14

Item 6.1:

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



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

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

Condition 7: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS
Applicable State Requirement: 6NYCRR 621.6(a)

Item 7.1:

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 14203-2915
(716) 851-7165



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: HUNTLEY POWER LLC
211 CARNEGIE CENTER
PRINCETON, NJ 08540

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

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

Permit Effective Date: 01/30/2009

Permit Expiration Date: 01/29/2014



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, modifications and transfers
Applications for Permit Renewals and Modifications
Permit modifications, suspensions or revocations by the Department
Permit Modifications, Suspensions and Revocations by the Department

Facility Level

Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6NYCRR 201-6.5(a)(7): Fees
- 3 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 4 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 6 6NYCRR 201-6.5(e): Compliance Certification
- 7 6NYCRR 202-2.1: Compliance Certification
- 8 6NYCRR 202-2.5: Recordkeeping requirements
- 9 6NYCRR 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6NYCRR 200.7: Maintenance of Equipment
- 11 6NYCRR 201-1.7: Recycling and Salvage
- 12 6NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6NYCRR 201-3.2(a): Exempt Sources - Proof of Eligibility
- 14 6NYCRR 201-3.3(a): Trivial Sources - Proof of Eligibility
- 15 6NYCRR 201-6.5(a)(4): Standard Requirement - Provide Information
- 16 6NYCRR 201-6.5(a)(8): General Condition - Right to Inspect
- 17 6NYCRR 201-6.5(d)(5): Standard Requirements - Progress Reports
- 18 6NYCRR 201-6.5(f)(6): Off Permit Changes
- 19 6NYCRR 202-1.1: Required Emissions Tests
- 20 6NYCRR 211.3: Visible Emissions Limited
- 21 40CFR 68: Accidental release provisions.
- 22 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6NYCRR 201-6: Emission Unit Definition
- 24 6NYCRR 201-6.5(c): Compliance Certification
- 25 6NYCRR 201-6.5(d)(1): Compliance Certification
- 26 6NYCRR 201-6.5(d)(1): Compliance Certification
- 27 6NYCRR 201-6.5(d)(1): Compliance Plan
- 28 6NYCRR 204-1.6: Compliance Certification
- 29 6NYCRR 204-4.1: Compliance Certification
- 30 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 31 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.



- 32 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 33 6NYCRR 204-8.3: Out of control periods.
- 34 6NYCRR 204-8.4: Compliance Certification
- 35 6NYCRR 204-8.5: Compliance Certification
- 36 6NYCRR 204-8.7: Compliance Certification
- 37 6NYCRR 212.4(c): Compliance Certification
- 38 6NYCRR 225-1.2(a)(2): Compliance Certification
- 39 6NYCRR 225-1.2(a)(2): Compliance Certification
- 40 6NYCRR 225-1.2(a)(2): Compliance Certification
- 41 6NYCRR 225-2.3(b)(1): Compliance Certification
- 42 6NYCRR 227-1.2(a)(4): Compliance Certification
- 43 6NYCRR 227-1.3(a): Compliance Certification
- 44 6NYCRR 227-1.3(a): Compliance Plan
- 45 6NYCRR 227-1.4(b): Compliance Certification
- 46 6NYCRR 227-1.7(a): Compliance Certification
- 47 6NYCRR 227-2.4(a): Compliance Certification
- 48 6NYCRR 227-2.4(a): Compliance Certification
- 49 6NYCRR 227-2.5(b): Compliance Certification
- 50 6NYCRR 243-1.6(c): NOx Ozone Season Emission Requirements
- 51 6NYCRR 243-1.6(d): Excess emission requirements
- 52 6NYCRR 243-1.6(e): Recordkeeping and reporting requirements
- 53 6NYCRR 243-2.1: Authorization and responsibilities of CAIR
designated representative
- 54 6NYCRR 243-8.1: General requirements
- 55 6NYCRR 243-8.1: Prohibitions
- 56 6NYCRR 243-8.3: Out of control periods
- 57 6NYCRR 243-8.5(d): Quarterly reports
- 58 6NYCRR 243-8.5(e): Compliance certification
- 59 6NYCRR 244-1: CAIR NOx Annual Trading Program General Conditions
- 60 6NYCRR 244-2: Designated CAIR Representative
- 61 6NYCRR 244-8: Compliance Certification
- 62 6NYCRR 245-1: CAIR SO2 Trading Program General Provisions
- 63 6NYCRR 245-2: Designated CAIR Representative
- 64 6NYCRR 245-8: Compliance Certification
- 65 40CFR 64.8: Elements of a Quality Improvement Plan
- 66 40CFR 68: Compliance Certification
- 67 40CFR 72.6(a)(1), Subpart A: Facility Subject to Title IV Acid Rain
Regulations and Permitting
Emission Unit Level
- 68 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 69 6NYCRR 201-6: Process Definition By Emission Unit
- 70 6NYCRR 212.6(a): Compliance Certification

EU=0-00005

- 71 40CFR 64: Compliance Certification

EU=U-00002,EP=00002

- 72 40CFR 64: Compliance Certification
- 73 40CFR 64: Compliance Certification

EU=U-00002,EP=00002,Proc=P21

- 74 6NYCRR 225-1.2(d): Compliance Certification



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

75 6NYCRR 227-1.2(b): Compliance Certification

EU=U-00003

- 76 6NYCRR 211.3: Compliance Certification
- 77 6NYCRR 211.3: Compliance Certification
- 78 6NYCRR 212.6(a): Compliance Certification
- 79 40CFR 60, NSPS Subpart Y: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 80 ECL 19-0301: Contaminant List
- 81 6NYCRR 201-1.4: Unavoidable noncompliance and violations
- 82 6NYCRR 211.2: Air pollution prohibited
- 83 6NYCRR 212.4(a): Compliance Demonstration
- 84 6NYCRR 212.4(a): Compliance Demonstration
- 85 6NYCRR 225-1.2(a)(2): Compliance Demonstration
- 86 6NYCRR 227-1.4(a): Compliance Demonstration
- 87 6NYCRR 237-1.4(a): Applicable Facility, with a unit of a capacity of 25 MWe or greater
- 88 6NYCRR 237-1.6(c): Compliance Demonstration
- 89 6NYCRR 237-1.6(e): Recordkeeping and Reporting Requirements
- 90 6NYCRR 237-4.1: Compliance Demonstration
- 91 6NYCRR 237-7.1: Submission of NOx allowance transfers
- 92 6NYCRR 237-8: Compliance Demonstration
- 93 6NYCRR 238-1.6(c): Compliance Demonstration
- 94 6NYCRR 238-1.6(e): Compliance Demonstration
- 95 6NYCRR 238-2.1: Submissions to the Department
- 96 6NYCRR 238-4.1: Compliance Demonstration
- 97 6NYCRR 238-7.1: Submission of SO2 allowance transfers
- 98 6NYCRR 238-8: Compliance Demonstration
- 99 6NYCRR 246.7(b)(1): Compliance Demonstration
- 100 6NYCRR 246.8(c)(1): Compliance Demonstration
- 101 6NYCRR 246.8(c)(2): Recertification for CEMs
- 102 6NYCRR 246.8(c)(3): Compliance Demonstration
- 103 6NYCRR 246.9(a): Missing Data Procedures and Out of Control Periods for CEMs
- 104 6NYCRR 246.11(a): Compliance Demonstration
- 105 6NYCRR 246.11(b): Compliance Demonstration
- 106 6NYCRR 246.11(d): Compliance Demonstration
- 107 6NYCRR 246.11(e): Compliance Demonstration

Emission Unit Level

EU=U-00002,EP=00002

- 110 6NYCRR 246.3(b)(1): Compliance Demonstration
- 108 6NYCRR 246.5: Compliance Demonstration
- 109 6NYCRR 246.11(c): Compliance Demonstration



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: Emergency Defense - 6NYCRR Part 201-1.5

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

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

(1) An emergency occurred and that the facility owner and/or

operator can identify the cause(s) of the emergency;

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

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

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

within two working days after the event 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 B: 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 C: 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 D: 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 E: 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 renewal application.
- Item F: 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 G: 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 H: 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 I: 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 J: 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 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 K: 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 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 L: 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 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.



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

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

Condition 4: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 4.1:

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

Condition 5: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 5.1:

The Compliance Certification activity will be performed for the Facility.

Item 5.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to



the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

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

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

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

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

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

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



deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

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

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

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

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2009.
Subsequent reports are due every 6 calendar month(s).

Condition 6: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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



Item 6.1:

The Compliance Certification activity will be performed for the Facility.

Item 6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

- i. Compliance certifications shall contain:
 - the identification of each term or condition of the permit that is the basis of the certification;
 - the compliance status;
 - whether compliance was continuous or intermittent;
 - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related recordkeeping and reporting requirements of this permit;
 - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions; and
 - such additional requirements as may be specified elsewhere in this permit related to compliance certification.
- ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.
- iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.
- iv. All compliance certifications shall be submitted to the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual



compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

USEPA Region 2
Air Compliance Branch
290 Broadway
New York, NY 10007-1866

The address for the RAPCE is as follows:

270 Michigan Avenue
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2010.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 202-2.1

Item 7.1:

The Compliance Certification activity will be performed for the Facility.

Item 7.2:

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 8: Recordkeeping requirements
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 202-2.5



Item 8.1:

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

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

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

**Condition 9: Open Fires Prohibited at Industrial and Commercial Sites
Effective between the dates of 01/30/2009 and 01/29/2014**

Applicable Federal Requirement:6NYCRR 215

Item 9.1:

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

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period. [NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 10: Maintenance of Equipment
Effective between the dates of 01/30/2009 and 01/29/2014**

Applicable Federal Requirement:6NYCRR 200.7

Item 10.1:

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

**Condition 11: Recycling and Salvage
Effective between the dates of 01/30/2009 and 01/29/2014**

Applicable Federal Requirement:6NYCRR 201-1.7



Item 11.1:

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

Condition 12: Prohibition of Reintroduction of Collected Contaminants to the air

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 201-1.8

Item 12.1:

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

Condition 13: Exempt Sources - Proof of Eligibility

Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 13.1:

The owner and/or operator of an emission source or unit that is eligible to be exempt may be required to certify that it operates within the specific criteria described in this Subpart. 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 this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 14: Trivial Sources - Proof of Eligibility

Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 14.1:

The owner and/or operator of an emission source or unit that is listed as being trivial in this Part may be required to certify that it operates within the specific criteria described in this Subpart. 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 this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other State and Federal air pollution control requirements, regulations, or law.

Condition 15: Standard Requirement - Provide Information

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 201-6.5(a)(4)

Item 15.1:



Item 18.1:

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 provision 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 as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.6 shall not apply to any change made pursuant to this paragraph.

Condition 19: Required Emissions Tests
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 202-1.1

Item 19.1:

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the commissioner may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time. Such person shall bear the cost of measurement and preparing the report of measured emissions. Failure of such person to submit a report acceptable to the commissioner within the time stated shall be sufficient reason for the commissioner to suspend or deny a certificate to operate.

Condition 20: Visible Emissions Limited
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 211.3

Item 20.1:

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 21: Accidental release provisions.
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 68

Item 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 22: Recycling and Emissions Reduction
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 82, Subpart F

Item 22.1:

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

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

Condition 23: Emission Unit Definition
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 201-6

Item 23.1:

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

Emission Unit: 0-00004

Emission Unit Description:

Emission unit 4 consists of Powdered Activated Carbon (PAC) receiving, storage, handling, processing, and injection equipment. PAC will be injected into the flue gas of units 67 and 68 in order to reduce mercury emissions. The PAC will be delivered to the station by truck to a storage silo equipped with a bin vent filter



(pulse jet collector).

Building(s): STATION 2

Item 23.2:

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

Emission Unit: 0-00005

Emission Unit Description:

Emission unit 5 consists of Trona receiving stations, storage silos with bin filters, handling, processing and injection equipment. Trona will be injected into the flue gas of units 67 and 68 in order to reduce SO₂ emissions. The Trona injection system includes one bulk storage silo and rail car unloading system for the plant and a day silo for each boiler. Each storage silo is equipped with a bin vent filter (pulse jet collector). Emission point 51 represents the bulk storage silo and emission points 52 and 53 represent the day silos for units 67 and 68, respectively. All three silo vents are subject to Compliance Assurance Monitoring requirements.

Building(s): STATION 2

Item 23.3:

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

Emission Unit: 0-00006

Emission Unit Description:

Emission unit 6 consists of urea receiving, storage, handling and injection equipment.

Building(s): STATION 2

Item 23.4:

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 identified as unit 67 and 68, each with a rated maximum heat input of 1836 mmBtu/hr. The associated steam turbine for each unit is capable of producing 200MW of electricity. The boilers primarily fire coal as described in process P22 however, distillate oil is used during startup and other conditions when necessary as described in process P21. Limited amounts of waste materials/ fuels are burned in the boiler during coal firing as described in process P23. Emission Unit 2 consists of emission point 00002, (the stack), emission source S0067 (boiler #67), emission source S67C1 (fabric filter), emission source S67C2 (SNCR), emission source S0068 (boiler #68), and emission source S68C1 (fabric filter), and emission source S68C2 (SNCR). Trona and powder activated carbon will be injected into the exhaust gas dust work prior to the baghouse. The Fabric filters will replace the Electrostatic



precipitators and are scheduled to be operational by the end of 2008 beginning of 2009.

The plant recently switched fuel type from Northern Appalachian coal (bituminous) to Powder River Basin (PRB) coal (sub bituminous). The PRB coal contains more moisture and to enhance combustion characteristics the facility has installed 2- 3 mmbtu/hr duct burners in the primary air ducts upstream from the coal pulverizers.

Building(s): STATION 2

Item 23.5:

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 are located 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 emissions from these processes. All conveyors and breakers that are enclosed have no or insignificant potential for emissions to the outside air.

Building(s): Rail car

Condition 24: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 24.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Emission Point: 00002

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

1.) The baghouses that will be installed on the boilers contain fabric filters that are designed to withstand gas temperatures up to 350 Fahrenheit. If the exhaust gases entering the baghouse exceed this design temperature for an extended time the system is designed to direct the



gases around the baghouse, to protect the bags, then out the main (350ft) stack. This bypass is a safety feature that will only be used in extremely rare circumstances. The bypass must not be used during normal operating scenarios, including startups and shutdowns. During bypass the particulate, sulfur dioxide and mercury emissions will be uncontrolled and is reason to proceed to boiler shutdown.

2.) Any time any of the baghouses are bypassed the permittee must notify the Department within two hours by phone (716-851-7130) or fax (716-851-7009). A bypass log must contain at least all of the information in the notification. The notification must include the date, the time the bypass started and ended, the length of time the bypass occurred, the reason for the bypass (why the baghouse experienced high temperatures), the corrective actions taken, the operating level of the boiler in megawatts and summary of excess emissions of criteria contaminants in pounds per hour and totals for the event.

3.) In the semi-annual compliance report summarize baghouse bypass events.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 25: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 201-6.5(d)(1)

Item 25.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 25.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Annual Tonnage Limitations for Oxides of Nitrogen (NO_x):

As per the Consent Decree between the Department and NRG (civil case no. 02-CV-0024S), NRG shall not emit NO_x cumulatively from the Huntley and Dunkirk Stations in an



amount greater than the following:

- 1.) From January 1, 2005 through December 31, 2005:
10,777 tons
- 2.) From January 1, 2006 through December 31, 2006: 6,772
tons
- 3.) From January 1, 2007 through December 31, 2007:
6,211 tons
- 4.) From January 1, 2008 through December 31, 2008:
6,211 tons
- 5.) From January 1, 2009 through December 31, 2009: 5,388
tons
- 6.) From January 1, 2010 through December 31, 2010: 4,861
tons
- 7.) From January 1, 2011 through December 31, 2011:
4,861 tons
- 8.) From January 1, 2012 through December 31, 2012:
3,241 tons, and annually thereafter.

In determining the total tons of NO_x emitted from the Huntley and Dunkirk Stations to demonstrate compliance with the Annual Tonnage Limitations, NRG shall use continuous emission monitoring systems (CEMS) in accordance with the those reference methods specified in 40 CFR Part 75. However, for purposes of compliance with this Consent Decree and this permit, the Part 75, Table 1 and 2 missing data procedures shall be modified as follows: Table 1 and 2, the missing data procedures for monitor data availability below 80 percent shall not apply. Instead, the duration of outage and calculation routines for "80 or more but below 90" shall apply for all monitor data availability below 90 percent.

Reporting and Recordkeeping:

Beginning on March 1, 2006, and every year thereafter for the duration of the Consent Decree and this permit, NRG shall report the following to the Department:

- 1.) The total tons of NO_x emitted from the Huntley and Dunkirk Stations during the prior calendar year and the percentage of NO_x tons reduced from the baseline emissions at each station;
- 2.) Electric generation totals by unit for each of the Stations for the prior calendar year; and
- 3.) Fuel consumption for each fuel combustion unit at each of the Stations for the prior calendar year.

Emission reduction reports:

Beginning June 30, 2005, and every year thereafter for the duration of the Consent decree and this permit, NRG shall inform the Department in writing of how it plans to



achieve the emissions reductions required in the following calendar year.

Quarterly Reports:

On or before the thirty days following the end of each calendar quarter for the duration of the Consent Decree and this permit, NRG shall report to the Department the year-to-date emission totals for NOx for the combined Stations through the calendar quarter which just ended.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 26: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 201-6.5(d)(1)

Item 26.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 26.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Annual Tonnage Limitations for Sulfur Dioxide (SO₂):

As per the Consent Decree between the Department and NRG (civil case no. 02-CV-0024S), NRG shall not emit SO₂ cumulatively from the Huntley and Dunkirk Stations in an amount greater than the following:

- 1.) From January 1, 2005 through December 31, 2005:
59,537 tons
- 2.) From January 1, 2006 through December 31, 2006:
34,230 tons
- 3.) From January 1, 2007 through December 31, 2007:
30,859 tons
- 4.) From January 1, 2008 through December 31, 2008:
22,733 tons
- 5.) From January 1, 2009 through December 31, 2009:
19,444 tons
- 6.) From January 1, 2010 through December 31, 2010:



19,444 tons

7.) From January 1, 2011 through December 31, 2011:

19,444 tons

8.) From January 1, 2012 through December 31, 2012:

16,807 tons

9.) From January 1, 2013 through December 31, 2013:

14,169, and annually thereafter.

In determining the total tons of SO₂ emitted from the Huntley and Dunkirk Stations to demonstrate compliance with the Annual Tonnage Limitations, NRG shall use continuous emission monitoring systems (CEMS) in accordance with the those reference methods specified in 40 CFR Part 75. However, for purposes of compliance with this Consent Decree and this permit, the Part 75, Table 1 and 2 missing data procedures shall be modified as follows: Table 1 and 2, the missing data procedures for monitor data availability below 80 percent shall not apply. Instead, the duration of outage and calculation routines for ≥ 80 or more but below 90" shall apply for all monitor data availability below 90 percent.

Reporting and Recordkeeping:

Beginning on March 1, 2006, and every year thereafter for the duration of the Consent Decree and this permit, NRG shall report the following to the Department:

- 1.) The total tons of SO₂ emitted from the Huntley and Dunkirk Stations during the prior calendar year and the percentage of SO₂ tons reduced from the baseline emissions at each station;
- 2.) Electric generation totals by unit for each of the Stations for the prior calendar year; and
- 3.) Fuel consumption for each fuel combustion unit at each of the Stations for the prior calendar year.

Emission Reduction Reports:

Beginning June 30, 2005, and every year thereafter for the duration of the Consent decree and this permit, NRG shall inform the Department in writing of how it plans to achieve the emissions reductions required in the following calendar year.

Quarterly Reports:

On or before the thirty days following the end of each calendar quarter for the duration of the Consent Decree and this permit, NRG shall report to the Department the year-to-date emission totals for SO₂ for the combined Stations through the calendar quarter which just ended.



4,861 tons or less from Huntley and Dunkirk power plants combined.

Schedule Date: 12/31/2012

Calendar year 2012 and annually thereafter- Reduce nitrogen oxide emissions to 3,241 tons or less from Huntley and Dunkirk power plants combined.

Schedule Date: 01/30/2007

Quarterly reports- Submit within 30 days of each calendar quarter, for the duration of this consent decree, year to date emission totals of NOx by unit for the Huntley and Dunkirk stations and combined totals.

Schedule Date: 03/01/2007

Annual report-By March 1st of each year, for the duration of this consent decree, report: annual NOx from the prior year and percentage reduction from baselines at each station; electric generation by unit; fuel consumption for each fuel at each unit.

Schedule Date: 06/30/2007

Annual report- By June 30th of each year for the duration of this consent decree, inform the DEC in writing how NRG plans to achieve the emission reductions required under this consent decree in the following year.

Item 27.3:

Remedial Measure:

Schedule Date: 06/01/2013

Apply to DEC for an operating permit modification that incorporates the final annual emission limits into plant specific permit limits for the Huntley and Dunkirk stations.

Item 27.4:

Remedial Measure:

Schedule Date: 12/31/2013

Reduce sulfur dioxide emissions to 14,169 tons per year or less, and annually thereafter, from Huntley and Dunkirk stations combined.

Intermediate Milestones:

Schedule Date: 12/31/2006

Calendar Year 2006- 34,230 tons of SO₂ or less from Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2007

Calendar Year 2007- 30,859 tons of SO₂ or less from Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2008

Calendar Year 2008- 22,733 tons of SO₂ or less from Huntley and Dunkirk stations combined.



Schedule Date: 12/31/2009
Calendar Year 2009- 19,444 tons of SO₂ or less from
Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2010
Calendar Year 2010- 19,444 tons of SO₂ or less from
Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2011
Calendar Year 2011- 19,444 tons of SO₂ or less from
Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2012
Calendar Year 2012- 16,807 tons of SO₂ or less from
Huntley and Dunkirk stations combined.

Schedule Date: 12/31/2013
Calendar Year 2013 and annually thereafter- 14,169 tons of
SO₂ or less from Huntley and Dunkirk stations combined.

Schedule Date: 01/30/2007
Quarterly reports- Submit within 30 days of each calendar
quarter, for the duration of this consent decree, year to
date emission totals of SO₂ by unit for the Huntley and
Dunkirk stations and combined totals.

Schedule Date: 03/01/2007
Annual report-By March 1st of each year, for the duration
of this consent decree, report: annual SO₂ from the prior
year and percent reduction from baselines at each station;
electric generation by unit; fuel consumption for each
fuel at each unit.

Schedule Date: 06/30/2007
Annual report- By June 30th of each year for the duration
of this consent decree, inform the DEC in writing how NRG
plans to achieve the emission reductions required under
this consent decree for the following year.

Condition 28: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-1.6

Item 28.1:
The Compliance Certification activity will be performed for the Facility.

Item 28.2:
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 67 and 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 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.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 29: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-4.1

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

Item 29.2:

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 NO_x 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 NO_x authorized account representative's option, for units sharing a common stack and having NO_x emission that are not monitored separately or apportioned in accordance with 6NYCRR Subpart 204-8, the percentage of NO_x allowances that is to be deducted from each unit's compliance account under 6NYCRR Section 204-6-5(e); and

(4) The compliance certification described below.

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

(1) Whether the unit was operated in compliance with the NO_x 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 NO_x emissions to the unit, in accordance with 6NYCRR Subpart 204-8;

(3) Whether all the NO_x emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with 6NYCRR Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;

(4) Whether the facts that form the basis for certification under 6NYCRR Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted monitoring method or alternative monitoring method approved under 6NYCRR Subpart 204-8, if any, has changed; and

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



Reference Test Method: EPA/NYSDEC approved methods
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION
Reporting Requirements: NOVEMBER 30TH

Condition 30: Submission of NO_x allowance transfers.
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-7.1

Item 30.1: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

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

Condition 31: Requirements for installation, certification, and data accounting.
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.1

Item 31.1: The owner or operator of each NO_x Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NO_x Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

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

Condition 32: Requirements for recertification of monitoring systems.
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.2

Item 32.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NO_x mass emissions or heat



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

Condition 33: Out of control periods.
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.3

Item 33.1: 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 34: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.4

Item 34.1:
The Compliance Certification activity will be performed for the Facility.

Item 34.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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



The address for the USEPA Administrator is as follows:

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

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

The address for the BCME is as follows:

NYSDEC
Bureau of Compliance Monitoring and Enforcement
625 Broadway, 2nd Floor
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 35: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.5

Item 35.1:

The Compliance Certification activity will be performed for the Facility.

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

(1) The NOx authorized account representative shall



submit a quarterly report for each calendar quarter beginning with the first hour on May 1, 2002.

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

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 36: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 204-8.7

Item 36.1:

The Compliance Certification activity will be performed for the Facility.

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



been corrected.

4) In the event, the problem cannot be corrected in 7 calendar days, the permittee shall report the problem via phone or fax to the department along with a proposed corrective action and a schedule of completion.

5) Records of these verifications, daily opacity observations, investigations and corrective actions will be kept on-site, and made available for review upon request.

Manufacturer Name/Model Number: TBD

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.05 grains per dscf

Reference Test Method: EPA method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 38: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 38.2:

Compliance Certification shall include the following monitoring:

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

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.

Manufacturer Name/Model Number: tbd
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 4/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 39: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 39.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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



there is no exceedance during the reporting period state so.

Work Practice Type: PARAMETER OF PROCESS MATERIAL
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL
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 4/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 40: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 40.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 40.2:

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.



Manufacturer Name/Model Number: tbd
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 4/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 41: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

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

Monitoring Description:

This facility is permitted to burn up to 30,000 gallons annually (on a rolling 12 month basis) of Waste Fuel A, as defined in 6NYCRR part 225-2.4 table 2-1, and does not contain any chemical waste. Only Waste Fuel A generated from operations at this plant site may be burned while firing coal in the boilers.

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

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

2.) Within 6 months of burning waste fuel as described above a combustion efficiency test, while firing the fuel, must be completed. The facility shall submit a waste oil sampling and combustion efficiency determination plan 30 days prior to the planned initial burn and receive approval from the Department. The test results shall be submitted to the Department prior to scheduling the actual burn and meet the limits stated in paragraph 1 above.



Each time there is a change in the makeup/composition of Waste Fuel A the facility shall submit a sampling plan, receive Department approval, and conduct sampling according to the above requirements of this paragraph, such as testing the fuel and combustion efficiency.

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: WASTE OIL

Parameter Monitored: WASTE OIL

Upper Permit Limit: 30,000 gallons

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 42: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

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: MONITORING OF PROCESS OR CONTROL
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

- 1) The facility is allowed to burn/evaporate in its boilers the following nonhazardous solid wastes generated from plant operations at this site:
 - a.) Wastewater treatment plant sludge.
 - b.) Coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant.
 - c.) Boiler cleaning chemical wastes

2.) No more than a total of 10 tons per week of wastewater treatment plant sludge or coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant may be placed on the coal pile for disposal.

3.) Each waste shall be tested for hazardous waste characteristics according to 6 NYCRR Part 371. If any



waste is determined to be hazardous under Part 371 it shall not be burned/evaporated in the boilers:

- a.) Wastewater treatment plant sludge shall be tested and the results reported to the Department prior to burning. One test is required per permit term.
- b.) Coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant shall be tested and results submitted to the Department prior to burning. One test is required per permit term.
- c.) Boiler cleaning chemical wastes shall be tested and results submitted to the Department for review prior to each proposed evaporation. The waste may be evaporated once the station receives Department approval.

4.) The facility shall keep records of the following information, and make the records available to Department staff upon request:

- a.) The quantities of each of the above wastes burned, and
- b.) The date the materials were burned/evaporated.

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

Manufacturer Name/Model Number: tbd

Parameter Monitored: WASTE MATERIAL

Upper Permit Limit: 10 tons per week

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 43: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 43.1:

The Compliance Certification activity will be performed for the Facility.

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The purpose of this Schedule of Compliance based on Consent Order: 1999072229 is to establish the corrective



actions and schedule for equipment installation to bring the facility boiler emissions into compliance with the 20% opacity standard contained in 6NYCRR Part 227-1. The permittee has submitted a compliance schedule dated March 1, 2007 for Department review and approval which includes all major tasks for the design and installation of baghouse filters and associated equipment on the exhaust systems of the coal fired boilers. By the inclusion of the schedule in this permit, it becomes both state and federally enforceable. The scheduled remedial measures, scheduled completion dates, and intermediate milestones are contained in a "Compliance Plan" in this permit under the 6NYCRR 227-1.3(a) citation and is summarized below:

- 1) Selection of equipment manufacturer for Baghouse Equipment design, supply and installation to start by January 1, 2007 and be completed no later than March 30, 2007.
- 2) Mechanical Fabric Filter Equipment Engineering and design to be completed no later than October 30, 2007. Submit equipment general arrangement and detailed drawings to the Department no later than April 30, 2008.
- 3) Fabrication of major equipment to start by January 2008 and be completed no later than October 30, 2008.
Status report required.
- 4) Commissioning and Startup of baghouse equipment by December 30, 2008.
- 5) No individual boiler may operate after December 30, 2008 unless the baghouse equipment associated with that boiler is installed and operating.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 44: Compliance Plan
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 44.1:

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

Consent Order: 1999072229

Progress Report Begin Date: 07/30/2004



Item 44.2:

Remedial Measure:

Schedule Date: 12/30/2008

Install and operate baghouse equipment.

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.

Schedule Date: 03/30/2007

Select equipment manufacturer for baghouse design, supply, and installation.

Schedule Date: 04/30/2008

Submit equipment general arrangement and detailed drawings.

Schedule Date: 10/30/2008

Complete mechanical fabric filter equipment engineering design.

Schedule Date: 10/30/2008

Fabrication of major equipment should be complete, status report required.

Schedule Date: 12/30/2008

Commission and startup of baghouse equipment.

Schedule Date: 12/30/2008

Boiler operation with baghouse only.

Condition 45: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 60 days after the reporting period.

The initial report is due 5/30/2009.

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

Condition 46: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 227-1.7(a)

Item 46.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Item 46.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

- 1.) In order to meet the prompt reporting requirement associated with 6 NYCRR Part 201-6(c)(3)(ii), exceedances of the 20 percent opacity limit, except for one six minute period per hour of not more than 27 percent, as documented by a Continuous Opacity Monitoring System (COMS) that continue for more than two hours shall be reported to the



Department within 48 hours of the start of the event stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

2.) Such an occurrence shall be reported to the Department by telephone or FAX during normal business hours at the Regional 9 Office, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in the above paragraphs. 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. All deviations reported must also be identified in the 6 month monitoring report.

Manufacturer Name/Model Number: tbd

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 cfr 60 appdx B

Monitoring Frequency: CONTINUOUS

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 47: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 47.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00002

Item 47.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

NOx RACT during Non-Ozone Season:

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



system-wide averaging plan, dated February 25, 2000, is attached to this permit as an appendix.

Manufacturer Name/Model Number: tbd
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 ROLLING AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 48.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: U-00002

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

Item 48.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

NOx RACT during the Ozone Season:

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

Manufacturer Name/Model Number: tbd
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: 24 HOUR DAILY AVERAGE (ARITHMETIC MEAN)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 49: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 49.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-00002

Item 49.2:

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.

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.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: CONTINUOUS

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 50: NO_x Ozone Season Emission Requirements



Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 243-1.6(c)

Item 50.1:

As of the allowance transfer deadline for a control period, the owners and operators of each CAIR NOx Ozone Season source and each CAIR NOx Ozone Season unit at the source shall hold, in the source's compliance account, CAIR NOx Ozone Season allowances available for compliance deductions for the control period under section 243-6.5(a) in an amount not less than the tons of total nitrogen oxides emissions for the control period from all CAIR NOx Ozone Season units at the source, as determined in accordance with Subpart 243-8. The CAIR NOx ozone season is the period beginning May 1 of a calendar year, except as provided in section 243-1.6(c)(2), and ending on September 30 of the same year, inclusive.

A CAIR NOx Ozone Season unit shall be subject to the requirements under paragraph (c)(1) of this section for the control period starting on the later of May 1, 2009 or the deadline for meeting the unit's monitor certification requirements under sections 243-8.1(b)(1), (2), (3), or (7) and for each control period thereafter.

A CAIR NOx Ozone Season allowance shall not be deducted, for compliance with the requirements under paragraph (c)(1) of this section, for a control period in a calendar year before the year for which the CAIR NOx Ozone Season allowance was allocated.

CAIR NOx Ozone Season allowances shall be held in, deducted from, or transferred into or among CAIR NOx Ozone Season Allowance Tracking System accounts in accordance with Subparts 243-6, 243-7, and 243-9.

A CAIR NOx Ozone Season allowance is a limited authorization to emit one ton of nitrogen oxides in accordance with the CAIR NOx Ozone Season Trading Program. No provision of the CAIR NOx Ozone Season Trading Program, the CAIR permit application, the CAIR permit, or an exemption under section 243-1.5 and no provision of law shall be construed to limit the authority of the State or the United States to terminate or limit such authorization.

A CAIR NOx Ozone Season allowance does not constitute a property right.

Upon recordation by the Administrator under Subpart 243-6, 243-7, or 243-9, every allocation, transfer, or deduction of a CAIR NOx Ozone Season allowance to or from a CAIR NOx Ozone Season source's compliance account is incorporated automatically in any CAIR permit of the source.

Condition 51: Excess emission requirements

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 243-1.6(d)

Item 51.1:

If a CAIR NOx Ozone Season source emits nitrogen oxides during any control period in



CAIR designated representative, with regard to all matters under the CAIR NO_x Ozone Season Trading Program concerning the source or any CAIR NO_x Ozone Season unit at the source.

The CAIR designated representative of the CAIR NO_x Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NO_x Ozone Season units at the source and shall act in accordance with the certification statement in section 243-2.4(a)(4)(iv).

Upon receipt by the Administrator of a complete certificate of representation under section 243-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO_x Ozone Season source represented and each CAIR NO_x Ozone Season unit at the source in all matters pertaining to the CAIR NO_x Ozone Season Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.

No CAIR permit will be issued, no emissions data reports will be accepted, and no CAIR NO_x Ozone Season Allowance Tracking System account will be established for a CAIR NO_x Ozone Season unit at a source, until the Administrator has received a complete certificate of representation under section 243-2.4 for a CAIR designated representative of the source and the CAIR NO_x Ozone Season units at the source.

Each submission under the CAIR NO_x Ozone Season Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO_x Ozone Season source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or 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 54: General requirements
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 243-8.1

Item 54.1:

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NO_x Ozone Season unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in section 243-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR NO_x Ozone Season unit," "CAIR



designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 243-1.2. The owner or operator of a unit that is not a CAIR NO_x Ozone Season unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NO_x Ozone Season unit.

'Requirements for installation, certification, and data accounting.' The owner or operator of each CAIR NO_x Ozone Season unit shall:

(1) install all monitoring systems required under this Subpart for monitoring NO_x mass emissions and individual unit heat input (including all systems required to monitor NO_x emission rate, NO_x concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);

(2) successfully complete all certification tests required under section 243-8.2 and meet all other requirements of this Subpart and 40 CFR Part 75 applicable to the monitoring systems under paragraph (a)(1) of this section; and

(3) record, report, and quality-assure the data from the monitoring systems under paragraph (a)(1) of this section.

Condition 55: Prohibitions
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 243-8.1

Item 55.1:

No owner or operator of a CAIR NO_x Ozone Season unit shall use any alternative monitoring system, alternative reference method, or any other alternative to any requirement of this Subpart without having obtained prior written approval in accordance with section 243-8.6.

No owner or operator of a CAIR NO_x Ozone Season unit shall operate the unit so as to discharge, or allow to be discharged, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

No owner or operator of a CAIR NO_x Ozone Season unit shall disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NO_x mass emissions discharged into the atmosphere or heat input, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75.

No owner or operator of a CAIR NO_x Ozone Season unit shall retire or permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved monitoring system under this Subpart, except under any one of the following circumstances:

(i) during the period that the unit is covered by an exemption under section 243-1.5 that is



in effect;

(ii) the owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the department for use at that unit that provides emission data for the same pollutant or parameter as the retired or discontinued monitoring system; or
(iii) the CAIR designated representative submits notification of the date of certification testing of a replacement monitoring system for the retired or discontinued monitoring system in accordance with section 243-8.2(d)(3)(i).

Condition 56: Out of control periods
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 243-8.3

Item 56.1:

Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in Subpart D or Subpart H of, or appendix D or appendix E to, 40 CFR Part 75.

Condition 57: Quarterly reports
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 243-8.5(d)

Item 57.1:

The CAIR designated representative shall submit quarterly reports, as follows:

If the CAIR NO_x Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO_x emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NO_x mass emissions) for such unit for the entire year and shall report the NO_x mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

(i) for a unit that commences commercial operation before July 1, 2007, the calendar quarter covering May 1, 2008 through June 30, 2008;

(ii) for a unit that commences commercial operation on or after July 1, 2007, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 243-8.1(b), unless that quarter is the third or fourth quarter of 2007 or the first quarter of 2008, in which case reporting shall commence in the quarter covering May 1, 2008 through June 30, 2008.

The CAIR designated representative shall submit each quarterly report to 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 40 CFR 75.73(f).

For CAIR NO_x Ozone Season units that are also subject to an Acid Rain emissions limitation or



the CAIR NO_x Annual Trading Program, CAIR SO₂ Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NO_x mass emission data, heat input data, and other information required by this Subpart.

Condition 58: Compliance certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 243-8.5(e)

Item 58.1:

The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) 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:

- (1) 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;
- (2) for a unit with add-on NO_x emission controls and for all hours where NO_x data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NO_x emissions; and
- (3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NO_x emission rate and NO_x concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NO_x emissions.

Condition 59: CAIR NO_x Annual Trading Program General Conditions
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 244-1

Item 59.1:

1) As of midnight of March 1, or midnight of the first business day thereafter if March 1 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NO_x allowances available for compliance deductions for the previous control period (January 1 through December 31), in an amount not less than the total tons of nitrogen oxides emissions from all CAIR NO_x units at the source during that control period. A CAIR NO_x allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NO_x allowance was allocated.

[244-1.6(c)(1), 244-1.2(b)(5), 244-1.2(b)(36), 244-1.6(c)(3)]

2) The owners and operators shall hold in their compliance account, CAIR NO_x allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting the unit's monitor certification requirements



under section 244-8.1(b)(1), (2), or (5) and for each control period thereafter.

[244-1.6(c)(2)]

3) If a CAIR NO_x source emits nitrogen oxides during any control period in excess of the CAIR NO_x emissions limitation, the owners and operators of the CAIR NO_x source shall surrender the CAIR NO_x allowances required for deduction under 6NYCRR Part 244-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this permit, the Act, and applicable State law. [(244-1.6(d))]

4) Unless otherwise provided, the owners and operators of the CAIR NO_x source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [244-1.6(e)]

(i) The certificate of representation under 6NYCRR Part 244-2.4 for the CAIR designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five year period until such documents are superseded because of the submission of a new certificate of representation under 6NYCRR Part 244-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 244-8, provided that to the extent that 6NYCRR Part 244-8 provides for a three year period for recordkeeping, the three year period shall apply.

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

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

Condition 60: Designated CAIR Representative
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 244-2

Item 60.1:

1) Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 244-2.2, with regard to all matters under the CAIR NO_x Annual Trading Program. The CAIR designated representative shall be selected by an agreement binding on the owners and operators of the source and act in accordance with the certification statement in 6NYCRR Part 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 244-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO_x source represented in all matters pertaining to the CAIR NO_x Annual Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source.

[244-2.1(a), (b) & (c)]



(2) Each submission under the CAIR NO_x Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO_x source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or 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." [244-2.1(e)]

Condition 61: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 244-8

Item 61.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

Item 61.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting NO_x emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR NO_x unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in section 244-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or CEMS) in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR NO_x unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 244-1.2. [244-8.1]

2) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 6NYCRR Part 244-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record NO_x mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B



to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 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 may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NOx monitoring system under appendix E to 40 CFR part 75, under 6NYCRR Part 244-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6). [244-8.2(d)(2)]

3) Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR part 75, data shall be substituted using the applicable missing data procedures in Subpart D or Subpart H of, or appendix D or appendix E to 40 CFR part 75. [244-8.3(a)]

4) The owners and operators, and to the extent applicable, the CAIR designated representative shall comply with all recordkeeping and reporting requirements in section 244-8.5, the applicable recordkeeping and reporting requirements under 40 CFR 75, and the requirements of 6NYCRR Part 244-2.1(e)(1). [244-8.5(a)]

5) The owner or operator of a CAIR NOx unit shall comply with requirements of 40 CFR 75.73(c) and (e) for monitoring plans. [244-8.5(b)]

6) The CAIR designated representative shall submit a certification application to the department within 45 days after completing all initial certification or recertification tests required under section 244-8.2, including the information required under 40 CFR 75.63. [244-8.5(c)]

7) The CAIR designated representative shall submit quarterly reports of the NOx mass emissions data and heat input data for each CAIR NOx unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter covering January 1, 2008 through March 31, 2008; unless the unit commences commercial



operation on or after July 1, 2007, then quarterly reporting commences with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 244-8.1(b).

[244-8.5(d)(1)]

8) The CAIR designated representative shall submit each quarterly report to 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 40 CFR 75.73(f). [244-8.5(d)(2)]

9) For CAIR NOx units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Ozone Season Trading Program, CAIR SO2 Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by Subpart 244-8.

[244-8.5(d)(3)]

10) Compliance certification - The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) 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: [244-8.5(e)]

(i) the monitoring data submitted were recorded in accordance with the applicable requirements of 6NYCRR Part 244 and 40 CFR Part 75, including the quality assurance procedures and specifications; and

(ii) for a unit with add-on NOx emission controls and for all hours where NOx data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NOx emissions.

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL TOTAL

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

**Condition 62: CAIR SO2 Trading Program General Provisions
Effective between the dates of 01/30/2009 and 01/29/2014**



Applicable Federal Requirement:6NYCRR 245-1

Item 62.1:

1) As of midnight of March 1, or midnight of the first business day thereafter (if March 1 is not a business day) for a control period, the owners and operators of each Clean Air Interstate Rule (CAIR) SO₂ source shall hold, in the source's compliance account, a tonnage equivalent in CAIR SO₂ allowances available for compliance deductions for the control period (January 1 through December 31) not less than the tons of total sulfur dioxide emissions for the control period from all CAIR SO₂ units at the source. A CAIR SO₂ allowance shall not be deducted, for compliance with the requirements under paragraph (2) of this section, for a control period in a calendar year before the year for which the CAIR SO₂ allowance was allocated. [(245-1.2(b)(5), 245-1.6(c)(1), 245-1.2(b)(36), 245-1.6(c)(3)]

2) The owners and operators shall hold in their compliance account, CAIR SO allowances available for compliance deductions for the control period starting on the later of January 1, 2010 or the deadline for meeting the unit's monitor certification requirements under section 245-8.1(b)(1), (2), or (5) and for each control period thereafter. [245-1.6(c)(2)]

3) If a CAIR SO₂ source emits sulfur dioxide during any control period in excess of the CAIR SO₂ emissions limitation, the owners and operators of the source shall surrender the CAIR SO₂ allowances required for deduction under 6NYCRR Part 245-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law. [(245-1.6(d)]

4) Unless otherwise provided, the owners and operators of the CAIR SO₂ source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [245-1.6(e)]

(i) The certificate of representation under 6NYCRR Part 245-2.4 for the CAIR designated representative for the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under 6NYCRR Part 245-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with 6NYCRR Part 245-8, provided that to the extent that 6NYCRR Part 245-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO₂ Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO₂ Trading Program or to demonstrate compliance with the requirements of the CAIR SO₂ Trading Program.

Condition 63: Designated CAIR Representative
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 245-2



Item 63.1:

1) Each CAIR SO₂ source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters under the CAIR SO₂ Trading Program. The CAIR designated representative of the CAIR SO₂ source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO₂ units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO₂ source represented and each CAIR SO₂ unit at the source in all matters pertaining to the CAIR SO₂ Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit. [245-2.1(a), (b) & (c)]

(2) Each submission under the CAIR SO₂ Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR SO₂ source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or 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." [245-2.1(e)]

Condition 64: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 245-8

Item 64.1:

The Compliance Certification activity will be performed for the Facility.

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

Item 64.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting SO₂ emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR SO₂ unit, shall comply with the



monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such requirements, the definitions in section 245-1.2 and 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR SO₂ unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO₂ unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO₂ unit. [245-8.1]

2)The owner or operator of each CAIR SO₂ unit shall:
[245-8.1(a)]

(i) install all monitoring systems required under this Subpart for monitoring SO₂ mass emissions and individual unit heat input (including all systems required to monitor SO₂ concentration, stack gas moisture content, stack gas flow rate, CO₂ or O₂ concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.11 and 40 CFR 75.16);

(ii) successfully complete all certification tests required under Part 245-8.2 and meet all other requirements of this section and 40 CFR Part 75 applicable to the monitoring systems under this section; and

(iii) record, report, and quality-assure the data from the monitoring systems under paragraph of this section.

3) The owner or operator shall meet the monitoring system certification and other requirements of section 245-8.1(a)(1) and (2) on or before the following dates.

The owner or operator shall record, report, and quality-assure the data from the monitoring systems under section 245-8.1(a)(1) on and after the following dates.

[245-8.1(b)]

(i) For the CAIR SO₂ unit that commences commercial operation before July 1, 2008, by January 1, 2009.

(ii) For the CAIR SO₂ unit that commences commercial operation on or after July 1, 2008, by the later of the following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

4) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under section 245-8.1(a)(1) that may significantly affect the ability of the system to



accurately measure or record SO₂ mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 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 may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system under section 245-8.1(a)(1) is subject to the recertification requirements in 40 CFR 75.20(g)(6). [245-8.2(d)(2)]

5) Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in Subpart D of or appendix D to 40 CFR Part 75. [245-8.3(a)]

6) The CAIR designated representative shall comply with all recordkeeping and reporting requirements in section 245-8.3, the applicable recordkeeping and reporting requirements in Subparts F and G of 40 CFR Part 75, and the requirements of section 245-2.1(e)(1). [245-8.5(a)]

7) The owner or operator of a CAIR SO₂ unit shall comply with requirements of 40 CFR 75.62 for monitoring plans. [245-8.5(b)]

8) The CAIR designated representative shall submit an application to the department within 45 days after completing all initial certification or recertification tests required under section 245-8.2, including the information required under 40 CFR 75.63. [245-8.5(c)]

9) The CAIR designated representative shall submit quarterly reports of the SO₂ mass emissions data and heat input data for each CAIR SO₂ unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with: [245-8.5(d)(1)]

i) the calendar quarter covering January 1, 2009



through March 31, 2009 for a unit that commences commercial operation before July 1, 2008; or
ii) for a unit that commences commercial operation on or after July 1, 2008, the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 245-8.1(b), unless that quarter is the third or fourth quarter of 2008, in which case reporting shall commence in the quarter covering January 1, 2009 through March 31, 2009.

10) The CAIR designated representative shall submit each quarterly report to 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 40 CFR 75.64. [245-8.5(d)(2)]

11) For CAIR SO₂ units that are also subject to an Acid Rain emissions limitation or the CAIR NO_x Annual Trading Program, CAIR NO_x Ozone Season Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the SO₂ mass emission data, heat input data, and other information required by this Subpart. [245-8.5(d)(3)]

12) The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) 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: [245-8.5(e)]

- 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 with add-on SO₂ emission controls and for all hours where SO₂ data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate SO₂ emissions.

Monitoring Frequency: CONTINUOUS
Averaging Method: ANNUAL TOTAL
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2009.
Subsequent reports are due every 3 calendar month(s).



Condition 65: Elements of a Quality Improvement Plan
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 64.8

Item 65.1:

This Condition applies to:

Emission Unit: U00002

Item 65.2:

A) Elements of a Quality Improvement Plan (QIP) [40 CFR 64.8(b)]:

(1) The owner or operator shall maintain a written QIP, if required, and have it available for inspection.

(2) The plan initially shall include procedures for evaluating the control performance problems and, based on the results of the evaluation procedures, the owner or operator shall modify the plan to include procedures for conducting one or more of the following actions, as appropriate:

- (i) Improved preventive maintenance practices.
- (ii) Process operation changes.
- (iii) Appropriate improvements to control methods.
- (iv) Other steps appropriate to correct control performance.
- (v) More frequent or improved monitoring (only in conjunction with one or more steps

under paragraphs (i) through (iv) above).

B) If a QIP is required, the owner or operator shall develop and implement a QIP as expeditiously as practicable and shall notify the permitting authority if the period for completing the improvements contained in the QIP exceeds 180 days from the date on which the need to implement the QIP was determined [40 CFR 64.8(c)].

C) Implementation of a QIP shall not excuse the owner or operator of a source from compliance with any existing emission limitation or standard, or any existing monitoring, testing, reporting or recordkeeping requirement that may apply under federal, state, or local law, or any other applicable requirements under the Act [40 CFR 64.8(e)].

Condition 66: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 68

Item 66.1:

The Compliance Certification activity will be performed for the Facility.

Item 66.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:



The scheduled air pollution control projects described in this permit require the construction and installation of chemical storage facilities which are regulated by 40 CFR 68. The facility shall prepare and submit plans and documents as required by Part 68 to the United States Environmental Protection Agency (USEPA), Region 2 (or designated agent), prior to the handling and storage of any chemical regulated by Part 68. A copy of the transmittal letter (listing all attachments) and a certification statement that the source is in compliance with all requirements of 40 CFR part 68 including registration and submission of the Risk Management Plan shall be submitted to NYSDEC, Division of Air Resources, 270 Michigan Avenue, Buffalo, New York 14203.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 67: Facility Subject to Title IV Acid Rain Regulations and Permitting
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 67.1:

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 68: Emission Point Definition By Emission Unit
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 201-6

Item 68.1:

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

Emission Unit: 0-00005

Emission Point: 00051
Height (ft.): Length (in.): Width (in.):

Emission Point: 00052
Height (ft.): Length (in.): Width (in.):

Emission Point: 00053
Height (ft.): Length (in.): Width (in.):



Item 68.2:

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.): 4765.167 NYTME (km.): 179.306 Building: STATION 2

**Condition 69: Process Definition By Emission Unit
Effective between the dates of 01/30/2009 and 01/29/2014**

Applicable Federal Requirement:6NYCRR 201-6

Item 69.1:

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

Emission Unit: 0-00004

Process: P41

Source Classification Code: 3-05-102-99

Process Description:

Activated carbon receiving, storage, handling,
processing, and injection equipment.

Emission Source/Control: S0041 - Process

Emission Source/Control: S0042 - Process

Item 69.2:

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

Emission Unit: 0-00005

Process: P51

Source Classification Code: 3-05-102-96

Process Description:

The unloading, storage, processing, transfer, and
injection of Trona.

Emission Source/Control: S051C - Control

Control Type: FABRIC FILTER

Emission Source/Control: S052C - Control

Control Type: FABRIC FILTER

Emission Source/Control: S053C - Control

Control Type: FABRIC FILTER

Emission Source/Control: S0051 - Process

Emission Source/Control: S0052 - Process

Emission Source/Control: S0053 - Process

Item 69.3:

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



Emission Unit: 0-00006

Process: P61

Source Classification Code: 3-01-885-01

Process Description:

The unloading, loading, processing, transfer and injection of urea.

Emission Source/Control: S0061 - Process

Emission Source/Control: S0062 - Process

Item 69.4:

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. Distillate oil is also used during start-up operations as well as other conditions when necessary.

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 69.5:

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. This also allows co-firing of distillate oil, wastewater treatment plant sludge, boiler cleaning chemicals, sand, sandblasting sand, coal filtering media, and oily debris that are mixed with the coal. This process includes the injection of urea for the selective non-catalytic reduction system to reduce NOx emissions, trona injection for SO2 emission reduction, and powdered activated carbon (planned) injection for mercury emissions reduction.

Emission Source/Control: 67DB1 - Combustion

Design Capacity: 4.5 million BTUs per hour

Emission Source/Control: 67DB2 - Combustion



Design Capacity: 4.5 million Btu per hour

Emission Source/Control: 68DB1 - Combustion
Design Capacity: 4.5 million Btu per hour

Emission Source/Control: 68DB2 - Combustion
Design Capacity: 4.5 million BTUs per hour

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

Emission Source/Control: S67C1 - Control
Control Type: FABRIC FILTER, DRY SPRAY ADSORPTION

Emission Source/Control: S67C2 - Control
Control Type: SELECTIVE NON-CATALYTIC REDUCTION
(SNCR)

Emission Source/Control: S68C1 - Control
Control Type: FABRIC FILTER, DRY SPRAY ADSORPTION

Emission Source/Control: S68C2 - Control
Control Type: SELECTIVE NON-CATALYTIC REDUCTION
(SNCR)

Item 69.6:

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

Emission Source/Control: S67C1 - Control
Control Type: FABRIC FILTER, DRY SPRAY ADSORPTION

Emission Source/Control: S67C2 - Control
Control Type: SELECTIVE NON-CATALYTIC REDUCTION
(SNCR)

Emission Source/Control: S68C1 - Control
Control Type: FABRIC FILTER, DRY SPRAY ADSORPTION

Emission Source/Control: S68C2 - Control
Control Type: SELECTIVE NON-CATALYTIC REDUCTION
(SNCR)

Item 69.7:

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

Emission Source/Control: S0006 - Process

Emission Source/Control: S0007 - Process

Item 69.8:

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 thrupt estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Emission Source/Control: S0008 - Process

Item 69.9:

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 thrupt estimates are provided (as needed) in the emission calculation section of the Supporting Documentation

Emission Source/Control: S0009 - Process

Item 69.10:

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

Emission Source/Control: S0010 - Process

Emission Source/Control: S0011 - Process

Condition 70: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 70.1:

The Compliance Certification activity will be performed for the facility:
The Compliance Certification applies to:

Emission Unit: 0-00005



Emission Unit: 0-00004

Item 70.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20 percent or greater from any process emission source, except only the emission of uncombined water. Compliance with this requirement shall be determined by the facility owner/operator conducting a daily survey of visible emissions when the process is in operation. If any visible emissions are identified, corrective action is required. The Department reserves the right to perform or require the performance of a Method 9 opacity evaluation

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Method 9

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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

Condition 71: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 64

Item 71.1:

The Compliance Certification activity will be performed for:

Emission Unit: 0-00005

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 71.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Compliance Assurance Monitoring (CAM) applicability must be evaluated for the proposed trona material handling and storage systems, emission unit U-00005.

1.) The method(s) that will used to evaluate CAM applicability must be submitted to the Buffalo DEC office for approval at least 90 days before the trona system is



scheduled to commence operation.

2.) Within 30 days of the Buffalo DEC office approving the evaluation method(s):

a.) A CAM plan with monitoring, record keeping, corrective actions, and reporting requirements must be submitted, unless

b.) The CAM evaluation includes testing or data collection during the operation of the trona system, then a CAM plan with monitoring, record keeping, corrective actions, and reporting requirements is due within 60 days of commencing operation.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 72: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 64

Item 72.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 72.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

Compliance Assurance Monitoring for the Electrostatic Precipitator (ESP)

I. CAM Description:

The particulate emissions from emission unit (EU) U-00002, emission point (EP) 00001 for boilers 67 and 68 is subject to 40 CFR Part 64, Compliance Assurance Monitoring (CAM) based on the following criteria:

1. Air Pollutant - Particulate Matter (PM)
2. Applicable Regulation - 6 NYCRR Part 227-1.2(a)(4)
3. Emission Limit - 0.17 lbs/mmBtu

(The maximum heat input to this stack is 3,672 mmBtu/hr, boiler 67 and 68 are each rated at 1836 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, which



rounds to 0.17 lbs/mmBtu.)

4. Control equipment - each boiler has hot side electrostatic precipitators (ESP) equipped with 20 electrical fields (4 wide by 5 deep)
5. Pre-control emissions - greater than 100 tons per year (tpy), actual emissions after controls are greater than 100 tpy from each emission point.

II. CAM Program:

1. Annual Stack Test - The permittee shall conduct a particulate matter performance emission test annually. The Department may request more frequent compliance testing if it is determined necessary. Each stack test shall be conducted within 12 months of the previous stack test. The testing shall follow EPA Method 5 procedures in 40 CFR Part 60, Appendix A. The permittee shall submit a stack test protocol at least 30 days prior to the scheduled testing date for Department review and approval, and submit a stack test report within 60 days of completing the testing.

2. Opacity - The permittee shall use opacity readings from the continuous opacity monitoring system as an indicator of continuous particulate matter control device (ESP) performance. The opacity reading will be compared against various action level values. The following activities will be performed at each of the following opacity action levels:

- a. Level One - If the rolling 24-hour average opacity exceeds 15% or the rolling 168-hour (7-days) average opacity exceeds 14% an internal warning will notify the appropriate station staff, such as the boiler operator(s), station shift supervisor, operations manager, and environmental manager, that the 24-hour or 168-hr baseline opacity is higher than normal and that increased attention should be given to the operation of the boiler and the ESP performance. All internal resources will be utilized to determine the root cause and address any problems that can be corrected with the unit(s) online. The station's High Opacity Troubleshooting Guide Action Plan contains detailed descriptions of likely remedial actions and is attached to this permit.

- b. Level Two - If the rolling 24-hour average opacity exceeds 17% or the rolling 168-hour average opacity exceeds 16% then the station will use additional outside resources, including systems experts, to determine the probable cause of the elevated baseline opacity. These additional resources will be familiarized with the current issues and allowed to inspect and trouble shoot the situation to determine the root cause of the opacity increase and recommend corrective actions. This may include cleaning the opacity monitor lenses, assessing the operating condition of the ESP, assessing the operation of



the flyash removal system, and checking for proper combustion.

c. Level Three - If the rolling 24-hour average opacity exceeds 19% or the rolling 168-hour average opacity exceeds 18% the station will remove the unit from service within 2 days and take corrective action, unless the rolling 24-hour or 168-hour average opacity can be reduced below the Level Two action level before the unit must be shut down. Corrective actions may include inspecting and repairing the ESP, grit blasting the ESP, inspecting and cleaning boiler passes, inspecting and cleaning duct work, and inspecting and repairing the flyash removal system.

d. If the rolling 24-hour average opacity or the rolling 168-hour average opacity exceeds any action level above, it is an excursion but not a violation of this permit condition.

e. The rolling 24-hour opacity averages shall be calculated from 24 consecutive hourly opacity averages, for each clock hour, and recorded. The rolling 24-hour opacity average shall be compared to the above action levels at the end of each clock hour.

f. The rolling 168-hour opacity averages shall be calculated from 168 consecutive hourly opacity averages, for each clock hour, and recorded. The rolling 168-hour opacity average shall be compared to the above action levels at the end of each clock hour.

3. ESP Voltage - The permittee shall continuously/routinely monitor electrostatic precipitator (ESP) voltage as an indicator of ESP collection efficiency. Should the voltage drop below the lower control limit (LCL) during such monitoring, corrective action shall commence. Failure of the corrective action to raise the voltage above the LCL will trigger a particulate stack test to evaluate compliance with the particulate emission limit. Details of the monitoring program are as follows:

a. LCL - During normal operation, the average 24-hour daily ESP voltage shall not fall below the LCL of 19.1 KV secondary voltage. (In this case, the definition of normal operation will be when a second mill is brought on line and oil is no longer used.) The voltage monitoring is performed by Distributed Control System (DCS) or similar digital data acquisition system. The voltage shall be measured and recorded at least four times an hour, and the readings must be evenly spaced through the hour [40 CFR 64.3(b)(4)(ii)]. The records may be kept either as a hard copy or electronically. The average voltage (V) is sum of all transformer/rectifier (T/R) set voltages for a given ESP divided by the number of T/R sets $[V = (V_1 + V_2 + \dots + V_n)/n]$. All ESP T/R sets shall be counted for this calculation. The energy minimization function of



the precipitator optimization (operating) system (POS) shall not be used without prior written approval from the Department. 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 the voltage cannot be restored above the LCL within 7 days the facility shall formulate a plan of corrective action including a time frame for completion and submit a written report to the Department within 14 days of the event for review and approval. The facility shall incorporate Department comments and implement the corrective action(s) accordingly. Failure to complete the program of correction according to the approved schedule contained therein shall be considered a violation of this permit.

c. Within 30 days after completion of the corrective action, the facility shall report to the Department whether the corrective actions were successful. If unsuccessful in restoring the LCL, the report shall include a particulate 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.

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

4. The minimum data availability requirement for valid data collection for each averaging period, and the minimum data availability requirement for the averaging periods in the reporting period is 95% of the emission points_i operating time [40 CFR Part 64.6(c)(4)].

5. All records relative to the stack testing, opacity monitoring, and ESP monitoring 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.

6. Semi-annually, the permittee shall submit a report that:

a. Summarizes the number of times the opacity levels reached Level One, Two, or Three, the reason for elevated



opacities, and the corrective actions implemented [40 CFR 64.9(a)(2)(i)],

b. Summarizes the number, duration and cause for opacity monitor downtime incidents (other than downtime associate with zero and span or other daily calibration checks) [40 CFR 64.9(a)(2)(ii)],

c. Summarizes when the ESP voltage fell below the LCL, the corrective actions taken and the results, and

d. Reports the boiler operating hours during the reporting period and summarizes the excursions as a percentage of the boiler operating hours.

7. A Quality Improvement Plan (QIP) shall be developed and implemented when the combined number of opacity and voltage excursions are more than 5% of the operating hours during the semi-annual reporting period. An exceedance of the 5% threshold shall be reported as a deviation in the semi-annual and annual compliance reports [40 CFR 64.8(a)]. The elements of a QIP are included in a 40 CFR Part 64.8 permit condition in this permit.

Manufacturer Name/Model Number: tbd

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.16 pounds per million Btus

Reference Test Method: EPA methor 5 and 201

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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

Condition 73: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 64

Item 73.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 73.2:

Compliance Certification shall include the following monitoring:

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



Monitoring Description:

Boiler Baghouse Compliance Assurance Monitoring (CAM)
(baghouses will replace the electrostatic precipitators)

I. CAM Description:

The Baghouse control equipment for this emission unit is subject to 40 CFR Part 64, CAM, for particulate emissions based on the following criteria:

- Air Pollutant - Particulate Matter (PM)
- Applicable Regulation - 6NYCRR Part 227-1.2(a)(4)
- Control equipment - each boiler has a dedicated baghouse
- Pre-control emissions - greater than 100 tons per year (tpy), actual emissions after controls are also greater than 100 tpy from each emission point.

II. CAM Program:

A.) Annual Performance Test

An annual performance test for particulates according to EPA Method 5 is required. The Department may request more frequent testing if it is determined necessary. Each stack test shall be conducted within 12 months of the previous stack test. The facility shall submit a stack test protocol at least 30 days prior to the scheduled testing date for Department review and approval, and submit a stack test report within 60 days of completing the testing, and

B.) Monitor Fabric Filter Performance

1. Monitor the performance of a fabric filter (baghouse) by using a bag leak detection system according to the requirements below:

- a. The bag leak detection system must be certified by the manufacturer to be capable of detecting PM emissions at concentrations of 1 milligram per actual cubic meter (0.00044 grains per actual cubic foot) or less.
- b. The bag leak detection system sensor must provide output of relative PM loadings. The owner or operator must continuously record the output from the bag leak detection system using electronic or other means (e.g. using a strip chart recorder or a data logger.)
- c. The bag leak detection system must be equipped with an alarm system that will react when the system detects an increase in relative particulate loading over the alarm set point, and the alarm must be located such that it can be noticed by the appropriate plant personnel.
- d. In the initial adjustment of the bag leak detection system, you must establish, at a minimum, the baseline output by adjusting the sensitivity (range) and the averaging period of the device, the alarm set points, and the alarm delay time.



- e. Following initial adjustment, you must not adjust the averaging period, alarm set point, or alarm delay time without approval from the appropriate delegated permitting authority except as provided in paragraph 2 below.
- f. Once per quarter, you may adjust the sensitivity of the bag leak detection system to account for seasonal effects, including temperature and humidity, according to the procedures identified in the site-specific monitoring plan required by paragraph 2 below.
- g. You must install the bag leak detection sensor downstream of the fabric filter and upstream of any wet scrubber.
- h. Where multiple detectors are required, the system's instrumentation and alarm may be shared among detectors.

2. You must develop and submit to the department for approval a site-specific monitoring plan for each bag leak detection system. You must operate and maintain the bag leak detection system according to the site-specific monitoring plan at all times. Each monitoring plan must describe the following items:

- a. Installation of the bag leak detection system;
- b. Initial and periodic adjustment of the bag leak detection system, including how the alarm set-point will be established;
- c. Operation of the bag leak detection system, including quality assurance procedures;
- d. How the bag leak detection system will be maintained, including a routine maintenance schedule and spare parts inventory list;
- e. How the bag leak detection system output will be recorded and stored.
- f. In approving the site-specific monitoring plan, the department may allow owners and operators more than 3 hours to alleviate a specific condition that causes an alarm if the owner or operator identifies in the monitoring plan this specific condition as one that could lead to an alarm, adequately explains why it is not feasible to alleviate this condition within 3 hours of the time the alarm occurs, and demonstrates that the requested time will ensure alleviation of this condition as expeditiously as practicable.

3. For each bag leak detection system, you must initiate procedures to determine the cause of every alarm within 1 hour of the alarm and you must alleviate the cause of the alarm within 3 hours of the alarm by taking whatever corrective action(s) are necessary. Corrective actions may include, but are not limited to the following:

- a. Inspecting the fabric filter for air leaks, torn or broken bags or filter media, or any other condition that may cause an increase in particulate emissions;



- b. Sealing off defective bags or filter media;
- c. Replacing defective bags or filter media or otherwise repairing the control device;
- d. Sealing off a defective fabric filter compartment;
- e. Cleaning the bag leak detection system probe or otherwise repairing the bag leak detection system; or
- f. Shutting down the process producing the particulate emissions.

4. You must maintain records the following information for each bag leak detection system:

- a. Records of the bag leak detection system output;
- b. Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings; and
- c. The date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, if procedures were initiated within 1 hour of the alarm, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated, and if the alarm was alleviated within 3 hours of the alarm.

5. Semiannually report the date and time of all bag leak detection system alarms, the time that procedures to determine the cause of the alarm were initiated, the cause of the alarm, an explanation of the actions taken, the date and time the cause of the alarm was alleviated.

6. If after any period, composed of 30 boiler operating days, during which the alarm rate exceeds 5 percent of the process operating time, (excluding control device or process startup, shutdown, and malfunction), then you must conduct a new PM performance test according to paragraph (1) above. This new performance test must be conducted within 60 days of the date that the alarm rate was first determined to exceed 5 percent limit unless a wavier is granted by the department.

Manufacturer Name/Model Number: tbd

Parameter Monitored: PARTICULATES

Upper Permit Limit: 0.16 pounds per million Btus

Reference Test Method: Epa method 5\$201 for back half condensibles

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2009.

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



Condition 74: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 225-1.2(d)

Item 74.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002
Process: P21

Emission Point: 00002

Item 74.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Sulfur in fuel oil records must be maintained to demonstrate compliance with the limits in 6 NYCRR part 225-1.2(d). Fuel oil delivery receipts are acceptable.

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 7/30/2009.

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

Condition 75: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 75.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002
Process: P22

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 75.2:

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 $E = 1.0 / (p^{0.219})$ 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 0.169 (rounded to 0.17)

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: 0.17 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 76: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 211.3

Item 76.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Item 76.2:

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).

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 7/30/2009.

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

Condition 77: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:6NYCRR 211.3

Item 77.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Item 77.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee must minimize fugitive dust emissions from the coal pile by,

1. Frequently watering the sides and top of the coal pile to dampen and reactivate the dust suppressant,
2. Compact and groom the coal pile to minimize dust entrainment from wind blowing across the pile and reduce the likely hood of coal pile fires,
3. Extinguish coal pile fires promptly,
4. Washed down all roadways to minimize dust emissions as necessary, and
5. Take any other corrective actions that are necessary to minimize dust entrainment.

Reference Test Method: EPA/NYSDEC approved methods

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 7/30/2009.

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

Condition 78: Compliance Certification
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement: 6NYCRR 212.6(a)

Item 78.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 78.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1) No person shall cause or allow emissions having an average opacity during any six consecutive minutes of 20% or greater, from any process source except only the emission of uncombined water.

2.) The facility shall have a list of all openings in the rail car unloading building which have particulate emissions - whether gravity or mechanically ventilated.

3) Periodic monitoring shall consist of daily observations of all exhaust vents and openings in the rail car unloading building (from item 2 above) for any opacity during rail car unloading.

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

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

4) The rail car dumper dust suppression system must be inspected daily for spray nozzles that are not working properly. If any coal dust leaves the building when a rail car is dumped and any spray nozzles are not working properly the Coal Handling Supervisor shall be notified and the service representative for the dust suppression



system called in to fix the system. These events must be recorded in a log. At the rail car dumper and other points in the coal handling system, a mixture of water and surfactant are sprayed on the coal to suppress dust.

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

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

Manufacturer Name/Model Number: tbd

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA method 9

Monitoring Frequency: DAILY

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 79: Compliance Certification

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable Federal Requirement:40CFR 60, NSPS Subpart Y

Item 79.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 79.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

1.) New Source Performance Standards, 40 CFR Part 60 Subpart Y applies to this Station's coal processing and conveying equipment, coal storage system and coal transfer



and loading system operations. The facility has installed a reclaim hopper, conveyor, apron feeder, and lump breaker (crusher) after the Subpart Y applicability date of October 24, 1974. The 20% opacity limit contained in 40 CFR 60.252(c) applies to any emission points in the facility covered by Subpart Y.

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

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

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

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

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

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA method 9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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



STATE ONLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

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

STATE ONLY APPLICABLE REQUIREMENTS

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

Condition 80: Contaminant List
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:ECL 19-0301

Item 80.1:

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

CAS No: 007439-97-6

Name: MERCURY

CAS No: 007446-09-5



Name: SULFUR DIOXIDE

CAS No: 007664-41-7

Name: AMMONIA

CAS No: 0NY075-00-0

Name: PARTICULATES

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 81: Unavoidable noncompliance and violations
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 201-1.4

Item 81.1:

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 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 82: Air pollution prohibited
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 211.2

Item 82.1:

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 83: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 212.4(a)

Item 83.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: U-00002 Emission Point: 00002

Regulated Contaminant(s):
CAS No: 007664-41-7 AMMONIA

Item 83.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

- 1) No person shall cause or allow emissions that exceed the applicable permissible emission rate as determined from Table 2, Table 3 or Table 4 of 6NYCRR Part 212 for the environmental ratings issued to contaminants by the commissioner.



2) Facility-wide ammonia emissions (from the ammonia/urea storage and handling system and the ammonia slip from the boiler emission control equipment) must be assessed in the iterative manner required by Part 212 and Air Guide-1 to determine what level of emissions will not pose an unacceptable risk at the plant property line or beyond. This assessment must be submitted to the Department for approval with a compliance monitoring plan for the ammonia or urea systems at least 90 days before the unit commences operation. An ammonia emission limit will in turn be determined by the Department and approval of compliance monitoring proposed by the applicant.

Reference Test Method: EPA/NYSDEC approved methods

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 84: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement: 6NYCRR 212.4(a)

Item 84.1:

The Compliance Demonstration activity will be performed for the facility:
The Compliance Demonstration applies to:

Emission Unit: U-00002

Regulated Contaminant(s):
CAS No: 007664-41-7 AMMONIA

Item 84.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

1.) Within 180 days of commencing operation of the NOx control (selective non-catalytic reduction) system for each boiler, the ammonia slip emissions shall be measured from each boiler by conducting a stack test at each stack.

The results shall be compared to the level of ammonia emissions determined to be allowed based on the Part 212 and Air Guide-1 analysis (contained elsewhere in this permit). (Preliminary analysis based on 15 ppmv (56.85 lbs/hr) Ammonia slip reflect compliance with air guide 1).

2.) A stack test protocol must be submitted for review and approval at least 30 days before 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.

Parameter Monitored: AMMONIA

Upper Permit Limit: 56.85 pounds per hour

Reference Test Method: EPA methods 301 & CTM-027

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 85: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 85.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 85.2:

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.
- 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 4/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 86: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 86.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 86.2:

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 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 5/30/2009.
Subsequent reports are due every 3 calendar month(s).

Condition 87: Applicable Facility, with a unit of a capacity of 25 MWe or greater
Effective between the dates of 01/30/2009 and 01/29/2014



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

Item 87.1:

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 88: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 88.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 88.2:

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.

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 4/30/2009.

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

**Condition 89: Recordkeeping and Reporting Requirements
Effective between the dates of 01/30/2009 and 01/29/2014**

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

Item 89.1:

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.
- 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 90: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 237-4.1

Item 90.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 90.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

- (1) identification of each NOx budget unit;
- (2) except in instances when the NOx budget unit seeks to use future control period NOx allowances which may be deducted pursuant to NYCRR 237-6.5(f), at the NOx authorized account representative's option, the serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under NYCRR 237-6.5 for the control period;
- (3) at the NOx authorized account representative's option, for units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with NYCRR 237-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under NYCRR 237-6.5(e);
- (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 NO_x authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO_x budget units at the source in compliance with the Acid Deposition Reduction (ADR) NO_x Budget Trading Program, whether each NO_x 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 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 91: Submission of NO_x allowance transfers
Effective between the dates of 01/30/2009 and 01/29/2014



Applicable State Requirement:6NYCRR 237-7.1

Item 91.1:

The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the department or its agent:

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

Condition 92: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 237-8

Item 92.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 92.2:

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 DESCRIPTION



Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 93: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 93.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 93.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

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

An SO₂ allowance allocated by the department under the ADR SO₂ budget Trading Program is a limited authorization to emit one ton of sulfur dioxide in accordance with the Acid Deposition Reduction (ADR) SO₂ Budget Trading Program. No provision of the ADR SO₂ Budget Trading Program, the SO₂



budget permit application, or the SO₂ budget permit or any provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

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

The owners and operators of an SO₂ budget unit that has excess emissions in any control period shall: Forfeit the SO₂ allowances required for deduction under NYCRR 238-6.5(d)(1); and Pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 238-6.5(d)(3).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2010.

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

Condition 94: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

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

Item 94.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 94.2:

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 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 1/30/2010.

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

Condition 95: Submissions to the Department
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 238-2.1

Item 95.1:

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 96: Compliance Demonstration



Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 238-4.1

Item 96.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 96.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more SO₂ budget units at a source are subject to the SO₂ budget emissions limitation, the SO₂ authorized account representative of the source shall submit to the Department by the March 1 following the relevant control period, a compliance certification report for each source covering all such units; as per NYCRR 238-4.

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

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

In the compliance certification report, the SO₂ authorized



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

(a) whether the unit was operated in compliance with the SO₂ budget emissions limitation;

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

(c) whether all the SO₂ emissions from the unit, or a group of units (including the unit) using a common stack, 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 97: Submission of SO₂ allowance transfers
Effective between the dates of 01/30/2009 and 01/29/2014**



Applicable State Requirement:6NYCRR 238-7.1

Item 97.1:

The SO₂ authorized account representatives seeking recordation of an SO₂ allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO₂ allowance transfer shall include the following elements in a format specified by the department or its agent:

- (a) the numbers identifying both the transferor and transferee accounts;
- (b) a specification by serial number of each SO₂ allowance to be transferred; and
- (c) the printed name and signature of the SO₂ authorized account representative of the transferor account and the date signed.

Condition 98: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 238-8

Item 98.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 98.2:

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 4/30/2009.

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

Condition 99: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014



Applicable State Requirement: 6NYCRR 246.7(b)(1)

Item 99.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

Item 99.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a Mercury Reduction Program (MRP) unit that commences commercial operation before July 1, 2008, shall by January 1, 2009;

- (1) Install all monitoring systems required under sections 246.7 through 246.13 of this Part for monitoring mercury mass emissions and individual unit heat input (including all systems required to monitor mercury concentration, stack gas moisture content, stack gas flow rate, and CO₂ or O₂ concentration, as applicable) in accordance with 40 CFR 75.81, 40 CFR 75.82, and 40 CFR 60 Appendix B - Performance Specification 12A;
- (2) Successfully complete all certification tests required under section 246.8 of this Part and meet all other requirements of sections 246.7 through 246.13 of this Part, and of 40 CFR 75 Subpart I of applicable to the monitoring systems under paragraph (a)(1) of this section; and
- (3) Record and report the data from the monitoring systems under paragraph (a)(1) of this section in accordance with 40 CFR 75.84; in absence of the US EPA Administrator accepting data and maintaining an emission data reporting system for mercury emissions, the data required by 75.84(d)(2) shall be submitted to the Department in a format agreed to by the Department.
- (4) Quality assure the data from the monitoring systems under paragraph (a)(1) of this section in accordance with 40 CFR 75.80(e).

Note: The Department recognizes the July 1, 2006 Edition of 40 CFR Part 75.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.



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

Condition 100: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.8(c)(1)

Item 100.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007439-97-6 MERCURY

Item 100.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a Mercury Reduction Program (MRP) unit shall comply with the following initial certification procedures for a continuous monitoring system.

Requirements for initial certification. The owner or operator shall ensure that each continuous monitoring system under paragraph 246.7(a)(1) (including the automated data acquisition and handling system) successfully completes all of the initial certification testing required under 40 CFR 75.20 by the applicable deadline in subdivision 246.7(b). In addition, whenever the owner or operator installs a monitoring system to meet the requirements of this section in a location where no such monitoring system was previously installed, initial certification in accordance with 40 CFR 75.20 is required.

In absence of the US EPA Administrator accepting data and reports for mercury emissions, CEMs and Data Acquisition Handling Systems, all certification applications for mercury CEMs should be sent to the Department and approvals granted under 40 CFR 75.20 for mercury CEMs shall be administered through the Department.

Note: The Department recognizes the July 1, 2006 Edition of 40 CFR Part 75.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 101: Recertification for CEMs
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.8(c)(2)



Item 101.1:

Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 40 CFR 75.15, that may significantly affect the ability of the system to accurately measure or record Hg mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or 40 CFR 75 Appendix B, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20.

Whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system under 40 CFR 75.15, whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20. Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site.

Condition 102: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement: 6NYCRR 246.8(c)(3)

Item 102.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):
CAS No: 007439-97-6 MERCURY

Item 102.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Notification of certification. The owner or operator of the Mercury Reduction Program (MRP) facility shall submit to the department, written notice of the dates of certification testing, in accordance with section 246.10 which refers to 40 CFR Part 75.61. The notifications shall be made not later than 21 days prior to the first scheduled day of certification or recertification testing as required by 75.61(a)(1)(i).

Certification application. The owner or operator of a MRP facility shall submit to the department a certification application for each monitoring system. A complete certification application shall include the information specified in 40 CFR 75.63 and shall be submitted to the department within 45 days after completing all initial certification or recertification tests required under section 246.8 of this Part, including the information required under 40 CFR 75.63.



Provisional certification date. The provisional certification date for a monitoring system shall be determined in accordance with 40 CFR 75.20(a)(3). A provisionally certified monitoring system may be used under the Mercury Reduction Program for a period not to exceed 120 days after receipt by the department of the complete certification application for the monitoring system under subparagraph 246.8(c)(3)(ii). Data measured and recorded by the provisionally certified monitoring system, in accordance with the requirements of 40 CFR Part 75, will be considered valid quality-assured data (retroactive to the date and time of provisional certification), provided that the department does not invalidate the provisional certification by issuing a notice of disapproval within 120 days of the date of receipt of the complete certification application by the department.

In absence of the US EPA Administrator accepting data and reports for mercury emissions, CEMs and Data Acquisition Handling Systems, all certification applications for mercury CEMs should be sent to the Department and approvals granted under 40 CFR 75.20 for mercury CEMs shall be administered through the Department.

Note: The Department recognizes the July 1, 2006 Edition of 40 CFR Part 75.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 103: Missing Data Procedures and Out of Control Periods for CEMs

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.9(a)

Item 103.1:

Whenever any monitoring system fails to meet the quality-assurance and quality-control requirements or data validation requirements of 40 CFR Part 75, data shall be substituted using the applicable missing data procedures in 40 CFR 75 Subpart D.

Condition 104: Compliance Demonstration

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.11(a)

Item 104.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

Item 104.2:

Compliance Demonstration shall include the following monitoring:



Condition 106: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement: 6NYCRR 246.11(d)

Item 106.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

Item 106.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of a Mercury Reduction Program (MRP) facility that commences commercial operation on or after July 1, 2008 shall submit quarterly reports, as follows:

- (1) Report the mercury mass emissions data and heat input data for the MRP unit in a hard copy format prescribed by the for each calendar quarter beginning with January 1, 2009 through March 31, 2009.
- (2) Submit each quarterly report to the Department within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.84(f).
- (3) For MRP units that are also subject to an Acid Rain emissions limitation, quarterly reports shall include the applicable data and information required by 40 CFR 75 Subparts F through H as applicable, in addition to the mercury mass emission data, heat input data, and other information required by sections 246.7 through 246.13 of this Part.

In absence of the US EPA Administrator accepting data and reports for mercury emissions, CEMs and Data Acquisition Handling Systems, electronic submittal of quarterly data is not required until an electronic system is created and maintained by the US EPA.. Hourly mercury mass emission data and heat input data generated by CEM units and would have been submitted to the USEPA electronically shall be kept on site until the US EPA Administrator has a method to accept this data.

Note: The Department recognizes the July 1, 2006 Edition of 40 CFR Part 75.



Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 107: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.11(e)

Item 107.1:

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

Item 107.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners or operators of a Mercury Reduction Program (MRP) facility shall submit to the Department, 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:

(1) The monitoring data submitted were recorded in accordance with the applicable requirements of sections 246.7 through 246.13 of 6NYCRR Part 246, and 40 CFR Part 75, including the quality assurance procedures and specifications; and

(2) In absence of a revised missing data substitution plan by the Department, data are substituted in accordance with 40 CFR 75.34(a)(1) for all hours where mercury data are substituted for a unit with add-on mercury emission controls.

(i) (a)The mercury add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under 40 CFR 75 Appendix B; or

(b) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO₂ emission data recorded in accordance with 40 CFR Part 75 document that the flue gas desulfurization system was operating properly, or



quality-assured NOX emission data recorded in accordance with 40 CFR Part 75 document that the selective catalytic reduction system, was operating properly, as applicable, and

(ii) The substitute data values do not systematically underestimate mercury emissions.

In absence of the US EPA Administrator accepting data and reports for mercury emissions, CEMs and Data Acquisition Handling Systems, electronic submittal of quarterly data is not required until an electronic system is created and maintained by the US EPA.. Hourly mercury mass emission data and heat input data generated by CEM units and would have been submitted to the USEPA electronically shall be kept on site until the US EPA Administrator has a method to accept this data.

Note: The Department recognizes the July 1, 2006 Edition of 40 CFR Part 75.

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

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

Condition 110: Compliance Demonstration

Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement:6NYCRR 246.3(b)(1)

Item 110.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 007439-97-6

MERCURY

Item 110.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator of a Mercury Reduction Program (MRP) facility shall perform an emission test using a Reference Method for speciated mercury compounds and meet the requirements in subparagraphs (i), (ii), (iii) and (iv) below:



- (i) Submit to the department at least 30 days prior to the emission test a test protocol to be approved by the department detailing the Reference Method to be performed and all other required information contained in Subpart 202-1 of this Chapter.
- (ii) Test the concentrations of the speciated mercury compounds in the stack (outlet).
- (iii) Emission tests shall be conducted as follows:
 - (a) One test shall be performed prior to August 1, 2008,
 - (b) A second test shall be performed prior to July 1, 2009. The source testing requirements contained in 246.8 satisfy this requirement.
 - (c) A final report containing the results of each emission test shall be submitted to the department in a form acceptable within 60 days after completion of each emission test.
- (iv) Fuel sampling. During each emission test, sampling of the mercury and chlorine content of the coal or solid coal- derived fuel shall be performed as outlined in the approved test protocol and the results of the fuel sampling shall be included in the final report submitted to the department.

Reference Test Method: ASTM D6784-02

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 108: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement: 6NYCRR 246.5

Item 108.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

Item 108.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility wide mercury emission limit below is in effect for the mercury reduction program control periods



of 2010 through December 31, 2014.

Manufacturer Name/Model Number: Tekran series 3300

Parameter Monitored: MERCURY

Upper Permit Limit: 110.0 pounds per year

Reference Test Method: A reference method for speciated mercury compounds

Monitoring Frequency: CONTINUOUS

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2009.

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

Condition 109: Compliance Demonstration
Effective between the dates of 01/30/2009 and 01/29/2014

Applicable State Requirement: 6NYCRR 246.11(c)

Item 109.1:

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00002

Emission Point: 00002

Regulated Contaminant(s):

CAS No: 007439-97-6

MERCURY

Item 109.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a Mercury Reduction Program (MRP) facility shall submit an application to the department within 45 days after completing all initial certification or recertification tests required under section 246.8 of this Part, including the information required under 40 CFR 75.63.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

New York State Department of Environmental Conservation

Permit ID: 9-1464-00130/00020

Facility DEC ID: 9146400130

