



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-2911-00152/00025
Effective Date: 01/20/2006 Expiration Date: 01/19/2011

Permit Issued To: NIAGARA GENERATION LLC
5300 FRONTIER AVE
NIAGARA FALLS, NY 14304

Contact: SCOTT GARDNER
2425 OLYMPIC BLVD STE 4050W
SANTA MONICA, CA 90404
(310) 586-3916

Facility: NIAGARA GENERATING FACILITY
5300 FRONTIER AVE
NIAGARA FALLS, NY 14304

Contact: PETER J QUIRK
NIAGARA GENERATING FACILITY
5300 FRONTIER AVE
NIAGARA FALLS, NY 14304
(716) 236-4107

Description:

WPS NIAGARA GENERATING FACILITY
TITLE V PERMIT
SITE DESCRIPTION

WPS Niagara Generating Facility, Niagara Falls, New York, was originally constructed as an electrical co-generation facility located in Niagara Falls, New York. Its status as an independent power producer has been terminated and now solely generates electric power for commercial sale. The facility consists of a 468,000 lb/hr circulating fluidized bed (CFB) coal fired boiler, a 51,000 kw turbine generator, and a baghouse to remove particulates prior to discharge from the stack. Limestone is injected into the boiler to control sulfur dioxide emissions.

This permit is a renewal and minor modification of the existing Title V permit. This permit will renew the existing permit conditions and allow the facility to conduct an operational test burn program for approximately 30 days utilizing greater than the presently permitted 30% tire-derived-fuel (TDF) blends so that the maximum percentage of TDF in the fuel that allows the facility to maintain stable boiler operation can be determined. The facility must then conduct stack testing to verify that emissions from combusting TDF in the fuel blend at percentages greater than 30% will comply with existing permit limits and will not result in an exceedance of ambient air quality standards. For a previous modification to this Title V permit, it had been determined that 40 CFR 60 Subpart Y - Standards of Performance for Coal Preparation Plants applied to this facility. Therefore, a

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Facility DEC ID: 9291100152



condition has been retained in this permit to monitor performance of the coal conveying, storage and transfer systems. A summary of the three emission units which comprise the plant follow:

Emission Unit U-CFB01 is a circulating fluidized bed boiler fueled by coal, petroleum coke, clean untreated wood chips, tire derived fuel (maximum 30%, by weight, in combination with the primary fuels), used lubricating oil generated on site, and/or a combination of these fuels with fluidization being achieved by blowing air into the combustion chamber medium of fuel, ash and limestone. This type of combustion offers fuel flexibility, high combustion efficiency, and low oxides of nitrogen and carbon monoxide emissions. Sulfur dioxide emissions are controlled by desulfurization through limestone injection into the fluidized combustion bed for approximately 90% sulfur capture. Oxides of nitrogen are controlled through Selective Non-catalytic Reduction (SNCR) (ammonia injection) and particulates controlled by a fabric filter.

Emission Unit U-AUX01 is a 600 HP backup auxiliary and feedwater heating system. This boiler fires natural gas or No. 2 fuel oil and operates when the CFB is shut down or is in its startup sequence.

Emission Unit U-COLPL is the coal storage operation. Coal is transported to the facility by truck, stored in an outdoor coal bunker, and conveyed in an enclosed transfer system to the CFB furnace.

The facility is permitted primarily under the following regulations:

1. 6 NYCRR Part 201.6 requires the facility to obtain a Title V permit.
2. 40 CFR 52 Subpart A, Prevention of Significant Deterioration (PSD), regulates emissions from the CFB.
3. 40 CFR 60 Subpart Dc regulates emissions from the auxiliary boiler.

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 and Modifications
- Permit Modifications, Suspensions and Revocations by the Department

Facility Level

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



DEC GENERAL CONDITIONS

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

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

Condition 1: Facility Inspection by the Department

Applicable State Requirement: ECL 19-0305

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Applicable State Requirement: ECL 3-0301 (2) (m)

Item 2.1:

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

Condition 3: Applications for Permit Renewals and Modifications

Applicable State Requirement: 6 NYCRR 621.13

Expired by Mod No: 1

Item 3.1:

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

Item 3.2:

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

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

Expired by Mod No: 1

Item 4.1:

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

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

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

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

Expired by Mod No: 1

Item 5.1:

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

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

New York State Department of Environmental Conservation

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Facility DEC ID: 9291100152



Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

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5300 FRONTIER AVE
NIAGARA FALLS, NY 14304

Facility: NIAGARA GENERATING FACILITY
5300 FRONTIER AVE
NIAGARA FALLS, NY 14304

Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES
4939 - COMBINATION UTILITY SERVICES

Permit Effective Date: 01/20/2006

Permit Expiration Date: 01/19/2011



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 1 6 NYCRR 200.6: Acceptable Ambient Air Quality
- 2 6 NYCRR 201-6.5 (a) (7): Fees
- 3 6 NYCRR 201-6.5 (c): Recordkeeping and reporting of compliance monitoring
- 4 6 NYCRR 201-6.5 (c) (2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 5 6 NYCRR 201-6.5 (c) (3) (ii): Compliance Certification
- 6 6 NYCRR 201-6.5 (e): Compliance Certification
- 7 6 NYCRR 202-2.1: Compliance Certification
- 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 9 6 NYCRR Part 215: Open Fires Prohibited at Industrial and Commercial Sites
- 10 6 NYCRR 200.7: Maintenance of Equipment
- 11 6 NYCRR 201-1.7: Recycling and Salvage
- 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 15 6 NYCRR 201-6.5 (a) (4): Standard Requirement - Provide Information
- 16 6 NYCRR 201-6.5 (a) (8): General Condition - Right to Inspect
- 17 6 NYCRR 201-6.5 (d) (5): Standard Requirements - Progress Reports
- 18 6 NYCRR 201-6.5 (f) (6): Off Permit Changes
- 19 6 NYCRR 202-1.1: Required Emissions Tests
- 20 6 NYCRR 211.3: Visible Emissions Limited
- 21 40 CFR Part 68: Accidental release provisions.
- 22 40 CFR 82, Subpart F: Recycling and Emissions Reduction
- 23 6 NYCRR Subpart 201-6: Emission Unit Definition
- 24 6 NYCRR 204-1.6: Permit requirements.
- 25 6 NYCRR 204-2.1: Submissions to the Department.
- 26 6 NYCRR 204-4.1: Contents of reports and compliance certifications.
- 27 6 NYCRR 204-4.1: Discretionary report contents.
- 28 6 NYCRR 204-4.1: Compliance Certification
- 29 6 NYCRR 204-7.1: Submission of NOx allowance transfers.
- 30 6 NYCRR 204-8.1: General provisions.
- 31 6 NYCRR 204-8.1: Prohibitions.
- 32 6 NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 33 6 NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 34 6 NYCRR 204-8.3: Out of control periods.
- 35 6 NYCRR 204-8.4: Compliance Certification
- 36 6 NYCRR 204-8.7: Compliance Certification
- 37 6 NYCRR 225-1.2 (d): Compliance Certification
- 38 6 NYCRR 225-1.7 (c): Compliance Certification
- 39 6 NYCRR 225-1.7 (e): Compliance Certification
- 40 6 NYCRR 227-1.3 (a): Compliance Certification
- 41 40 CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.



- 42 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 43 40CFR 60.40a, NSPS Subpart Da: Compliance Certification
- Emission Unit Level**
- 44 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 45 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

EU=U-AUX01

- 46 6 NYCRR 227-2.4 (d): Compliance Certification
- 52 40CFR 60.42c(d), NSPS Subpart Dc: Compliance Certification
- 47 40CFR 60.42c(g), NSPS Subpart Dc: Averaging period.
- 48 40CFR 60.42c(h), NSPS Subpart Dc: Exemption from the averaging period.
- 49 40CFR 60.43c(d), NSPS Subpart Dc: Enforceability of particulate matter and opacity standards.
- 50 40CFR 60.46c(e), NSPS Subpart Dc: Exemption from sulfur dioxide monitoring requirements.
- 51 40CFR 60.48c, NSPS Subpart Dc: Recordkeeping and reporting.

EU=U-CFB01

- 53 6 NYCRR 225-2.3 (b) (1): Compliance Certification
- 54 6 NYCRR 227-2.4 (a) (2): Compliance Certification
- 55 6 NYCRR 227-2.6 (a) (1): Testing, monitoring, and reporting requirements for very large boilers.
- 56 40CFR 52.21, Subpart A: Compliance Certification
- 57 40CFR 52.21, Subpart A: Compliance Certification
- 58 40CFR 52.21, Subpart A: Compliance Certification
- 59 40CFR 52.21, Subpart A: Compliance Certification
- 60 40CFR 60.7(c), NSPS Subpart A: Compliance Certification
- 61 40CFR 60.47a, NSPS Subpart Da: Continuous emissions monitoring.
- 62 40CFR 60.48a, NSPS Subpart Da: Compliance testing requirements.

EU=U-CFB01,Proc=TDF

- 63 6 NYCRR 200.6: Compliance Certification
- 64 6 NYCRR Subpart 201-6: Compliance Certification

EU=U-COLPL

- 65 40CFR 60.252(c), NSPS Subpart Y: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 66 ECL 19-0301: Contaminant List
- 67 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 68 6 NYCRR 211.2: Air pollution prohibited
- 69 6 NYCRR 237-1.4 (a): Applicable Facility, with a unit of a capacity of 25 MWe or greater
- 70 6 NYCRR 237-1.6 (a): Permit Requirements
- 71 6 NYCRR Subpart 237-2: Authorization and responsibilities of the NOx authorized account representative
- 72 6 NYCRR 237-4.1: Compliance Demonstration
- 73 6 NYCRR 237-7.1: Submission of NOx allowance transfers
- 74 6 NYCRR Subpart 237-8: Compliance Demonstration
- 75 6 NYCRR 238-1.4: Applicability
- 76 6 NYCRR 238-1.6 (a): Permit Requirements

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- 77 6 NYCRR 238-1.6 (c): Compliance Demonstration
- 78 6 NYCRR 238-1.6 (f): Liability
- 79 6 NYCRR 238-1.6 (g): Effect on Other Authorities
- 80 6 NYCRR 238-2.1: Submissions to the Department
- 81 6 NYCRR 238-4.1: Compliance Demonstration
- 82 6 NYCRR 238-7.1: Submission of SO₂ allowance transfers
- 83 6 NYCRR Subpart 238-8: 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 - 6 NYCRR 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 - 6 NYCRR 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 6 NYCRR 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 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 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 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 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 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 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 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 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 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.

Item M: Federally Enforceable Requirements - 40 CFR 70.6 (b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.

Condition 1: Acceptable Ambient Air Quality
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 200.6

Item 1.1:

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

Condition 2: Fees
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (7)

Item 2.1:

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0302.

Condition 3: Recordkeeping and reporting of compliance monitoring
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 3.1:



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

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

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

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

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement: 6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement: 6 NYCRR 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 7/30/2006.
Subsequent reports are due every 6 calendar month(s).



Condition 6: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement: 6 NYCRR 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



Condition 8: Recordkeeping requirements
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR Part 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011



Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 201-1.8

Item 12.1:

No person shall 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011



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

Item 15.1:

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

Condition 16: General Condition - Right to Inspect
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 201-6.5 (a) (8)

Item 16.1:

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

(i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;

(ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;

(iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and

(iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

Condition 17: Standard Requirements - Progress Reports
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 201-6.5 (d) (5)

Item 17.1:

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

(i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and

(ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

Condition 18: Off Permit Changes
Effective between the dates of 01/20/2006 and 01/19/2011



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

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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40 CFR Part 68



TO SUPPLY STEAM TO THE PROCESS STEAM
HOST DURING THESE PERIODS.

Building(s): #1

Item 23.2:

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

Emission Unit: U-CFB01

Emission Unit Description:

A CIRCULATING FLUIDIZED BED BOILER. THE FUEL (E.G. COAL, PETROLEUM COKE, CLEAN UNTREATED WOOD CHIPS, UP TO 30%, BY WEIGHT TIRE DERIVED FUEL (TDF), USED LUBRICATING OILS AND/OR A COMBINATION OF THESE FUEL(S) IS INTRODUCED INTO THE FLUIDIZED BED AND COMBUSTED. THE FLUIDIZATION IS ACHIEVED BY BLOWING AIR INTO MEDIUM (ASH AND LIMESTONE). THIS TYPE OF COMBUSTION OFFERS FUEL FLEXIBILITY, HIGH COMBUSTION EFFICIENCY, AND LOW NOX AND CO-EMISSIONS. CONTROL OF SOX EMISSIONS IS BY DESULFURIZATION DURING COMBUSTION. THIS IS ACHIEVED BY INJECTING LIMESTONE INTO THE BED FOR 90% SULFUR CAPTURE BASED ON COAL ANALYSIS. MAXIMUM EMISSION RATE POTENTIAL FOR SO₂ IS 0.5 LBS/MMBTU. THE UNIT CANNOT OPERATE WITHOUT THE LIMESTONE INJECTION SYSTEM OPERATING, THUS PRECLUDING HIGHER SO₂ LEVELS. THE CFB ALSO ACTS AS A CONTROL DEVICE FOR NOX AND PARTICULATES. PARTICLES ARE CONTINUOUSLY CAPTURED AND SENT BACK TO THE COMBUSTOR TO COMBUST UNBURNED PARTICLES.

NOTE: TDF FEED RATE MAY BE MODIFIED BASED UPON SUCCESSFUL COMPLETION OF OPERATIONAL TEST BURNS AND PERFORMANCE STACK TESTS AUTHORIZED ELSEWHERE IN THIS PERMIT.

Building(s): #1

Item 23.3:

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

Emission Unit: U-COLPL

Emission Unit Description:

COAL IS BROUGHT IN BY TRUCK AND STORED IN THE COAL PILE STORAGE AREA. COAL IS TRANSFERRED VIA A CONVEYOR SYSTEM WITH THE CONVEYOR BELT OVERLAPING THE COAL AS IT IS TRANSFERRED TO THE FURNACE FEED.

Building(s): SHED



Condition 24: Permit requirements.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-1.6

Item 24.1: The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NOx Budget unit commences operation.

Condition 25: Submissions to the Department.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-2.1

Item 25.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.4(a)(4)) by the NOx authorized account representative.

Condition 26: Contents of reports and compliance certifications.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-4.1

Item 26.1: The NOx authorized account representative shall include in the compliance certification report the following elements, in a format prescribed by the Administrator, concerning each unit at the source and subject to the NOx Budget emissions limitation for the control period covered by the report:

- (1) Identification of each NOx Budget unit; and
- (2) In the compliance certification report the NOx authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NOx Budget units at the source in compliance with the NOx Budget Trading Program, whether each NOx Budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the NOx Budget Trading Program applicable to the unit, including:
 - (i) Whether the unit was operated in compliance with the NOx Budget emissions limitation;
 - (ii) Whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NOx emissions to the unit, in accordance with Subpart 204-8;
 - (iii) Whether all the NOx emissions from the unit, or a group of units (including the unit) using a common stack, were monitored or accounted for through the missing data procedures and reported in the quarterly monitoring reports, including whether conditional data were reported in the quarterly reports in accordance with Subpart 204-8. If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions has been made;
 - (iv) Whether the facts that form the basis for certification under Subpart 204-8 of each monitor at the unit or a group of units (including the unit) using a common stack, or for using an excepted



by the Administrator:

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

Condition 30: General provisions.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.1

Item 30.1: The owners and operators, and to the extent applicable, the NOx authorized account representative of a NOx Budget unit, shall comply with the monitoring and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in Section 204-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be replaced by the terms "NOx Budget unit," "NOx authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

Condition 31: Prohibitions.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.1

Item 31.1: No owner or operator of a NOx Budget unit or a non-NOx Budget unit monitored under 40 CFR 75.72(b)(2)(ii) shall:

- (1) use any alternative monitoring system, alternative reference method, or any other alternative for the required continuous emission monitoring system without having obtained prior written approval in accordance with Section 204-8.6;
- (2) operate the unit so as to discharge, or allow to be discharged, NOx emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74;
- (3) disrupt the continuous emission monitoring system, any portion thereof, or any other approved emission monitoring method, and thereby avoid monitoring and recording NOx mass emissions discharged into the atmosphere, except for periods of recertification or periods when calibration, quality assurance testing, or maintenance is performed in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 except as provided for in 40 CFR 75.74; and
- (4) permanently discontinue use of the continuous emission monitoring system, any component thereof, or any other approved emission monitoring system under this Subpart, except under any one of the following circumstances:
 - (i) The owner or operator is monitoring emissions from the unit with another certified monitoring system approved, in accordance with the applicable provisions of this Subpart and 40 CFR Part 75, by the Department for use at that unit that provides emission data for the same pollutant or parameter as the discontinued monitoring system; or
 - (ii) The NOx authorized account representative submits notification of the date of certification testing of a replacement monitoring system in accordance with Paragraph 204-8.2(b)(2).



Condition 32: Requirements for installation, certification, and data accounting.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.1

Item 32.1: The owner or operator of each NOx Budget unit must meet the following requirements. These provisions also apply to a unit for which an application for a NOx Budget opt-in permit is submitted and not denied or withdrawn, as provided in Subpart 204-9:

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

Condition 33: Requirements for recertification of monitoring systems.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.2

Item 33.1: Whenever the owner or operator makes a replacement, modification, or change in a certified monitoring system that the Administrator or the Department determines significantly affects the ability of the system to accurately measure or record NOx mass emissions or heat input or to meet the requirements of 40 CFR 75.21 or Appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system according to 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that the Administrator or the Department determines to significantly change the flow or concentration profile, the owner or operator shall recertify the continuous emissions monitoring system according to 40 CFR 75.20(b). Examples of changes which require recertification include: replacement of the analyzer, change in location or orientation of the sampling probe or site, or changing of flow rate monitor polynomial coefficients.

Condition 34: Out of control periods.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.3

Item 34.1: 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 35: Compliance Certification

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 204-8.4

New York State Department of Environmental Conservation

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



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:

The Authorized Account Representative for a NOx 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 Quality Assurance (BQA) 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, NW
Mail Code 6204J
Washington D.C. 20460

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

The address for the BQA is as follows:

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

AAR changes should be sent to the attention of:

New York State Department of Environmental Conservation

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



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 36: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 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:

The owner or operator of a unit that elects to monitor and report NOx Mass emissions using a NOx concentration system and a flow system shall also monitor and report heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: HOURLY

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

Condition 37: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 37.1:

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007704-34-9 SULFUR

Item 37.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

SULFUR CONTENT OF FUEL OIL BURNED AT FACILITY SHALL NOT EXCEED 1.5% BY WEIGHT PER 6 NYCRR 225-1.2(d) TABLE 2.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: OIL (NOT ELSEWHERE CLASSIFIED)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 1.5 percent by weight

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 4/30/2006.

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

Condition 38: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 225-1.7 (c)

Item 38.1:

The Compliance Certification activity will be performed for the Facility.

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Part 225-1.7(c) requires that measurements must be made daily of the rate of each fuel burned. Also, the facility must measure the average electrical output (daily) and hourly generation rate. This information must be retained by the source owner for a period of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 39: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 225-1.7 (e)

Item 39.1:

The Compliance Certification activity will be performed for the Facility.

New York State Department of Environmental Conservation

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



Regulated Contaminant(s):
CAS No: 007704-34-9 SULFUR

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Source owners subject to this section must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, or of measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such excesses if known, for each calendar quarter.

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 4/30/2006.

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

Condition 40: Compliance Certification

Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 40.1:

The Compliance Certification activity will be performed for the Facility.

Item 40.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

NO PERSON SHALL OPERATE A STATIONARY COMBUSTION INSTALLATION WHICH EXHIBITS GREATER THAN 20% OPACITY (6-MINUTE AVERAGE), EXCEPT FOR ONE 6-MINUTE PERIOD PER HOUR OF NOT MORE THAN 27% OPACITY. THIS CONDITION APPLIES TO THE COAL FLUIDIZED BED BOILER (CFB), EMISSION UNIT U-CFB01, AND THE AUXILIARY BOILER, U-AUX01. COMPLIANCE WITH THIS REQUIREMENT SHALL BE DETERMINED USING THE CONTINUOUS OPACITY MONITOR, COMS, ON THE CFB AND BY THE OWNER/OPERATOR IDENTIFYING ANY VISIBLE EMISSIONS FROM THE AUXILIARY BOILER AND TAKING CORRECTIVE ACTION APPROPRIATE FOR THE SOURCE.



WHILE THE AUXILIARY BOILER IS FIRING OIL THE FACILITY SHALL BE REQUIRED TO PERFORM THE FOLLOWING:

1) ONCE PER DAY, DURING DAYLIGHT HOURS EXCEPT DURING CONDITIONS OF EXTREME WEATHER (FOG, SNOW, RAIN), OBSERVE THE STACK OF EMISSION POINT 00102 (AUX. BOILER) FOR VISIBLE EMISSIONS (VISIBLE EMISSIONS DO NOT INCLUDE STEAM PLUMES).

2) RECORD THE DAILY RESULTS OF THE VISIBLE OBSERVATION - WERE THERE VISIBLE EMISSIONS OBSERVED - YES OR NO, INCLUDING EXPLANATIONS FOR DAYS WHEN WEATHER CONDITIONS PROHIBIT SUCH OBSERVATIONS OF VISIBLE EMISSIONS.

3) MAINTAIN THE DATA FOR 5 YEARS.

IF THE OPERATOR OBSERVES ANY VISIBLE EMISSIONS (OTHER THAN STEAM) TWO CONSECUTIVE DAYS FIRING OIL, A METHOD 9 ANALYSIS OF THE EMISSION POINT SHALL BE CONDUCTED WITHIN TWO BUSINESS DAYS OF THE OCCURRENCE. THE OPERATOR MUST CONTACT THE REGIONAL AIR POLLUTION CONTROL ENGINEER WITHIN ONE BUSINESS DAY OF PERFORMING THE METHOD 9 ANALYSIS, IF THE READINGS SHOW ANY EXCEEDANCE OF THE REQUIRED STANDARDS FOR OPACITY.

NOTE: THIS CONDITION SATISFIES THE REQUIREMENT FOR THE CFB OF 40 CFR 60-Da.42a(b) WHICH ALSO PROHIBITS DISCHARGE OF ANY GASES INTO THE ATMOSPHERE WHICH EXHIBIT GREATER THAN 20 % OPACITY (6-MINUTE AVERAGE), EXCEPT FOR ONE 6-MINUTE PERIOD PER HOUR OF NOT MORE THAN 27 % OPACITY.

Parameter Monitored: OPACITY

Lower Permit Limit: 0 percent

Upper Permit Limit: 27 percent

Reference Test Method: METHOD 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



Condition 41: Recordkeeping requirements.
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 41.1:

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

Condition 42: Required performance test information.
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 60.8(c), NSPS Subpart A

Item 42.1:

Performance tests shall be conducted under such conditions specified by the Administrator, based upon representative performance data supplied by the owner or operator of the facility.

Condition 43: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 60.40a, NSPS Subpart Da

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:

THIS FACILITY MUST COMPLY WITH THE
APPLICABLE REQUIREMENTS OF 40 CFR 60-Da
FOR THE CFB AND 40 CFR 60 Dc FOR THE
AUXILIARY BOILER.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**** Emission Unit Level ****

Condition 44: Emission Point Definition By Emission Unit
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR Subpart 201-6



Item 44.1:

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

Emission Unit: U-AUX01

Emission Point: 00102 Removal Date: 10/18/2007
Height (ft.): 160 Diameter (in.): 24
NYTMN (km.): 4777.804 NYTME (km.): 174.08

Item 44.2:

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

Emission Unit: U-CFB01

Emission Point: 00101
Height (ft.): 220 Diameter (in.): 96
NYTMN (km.): 4777.848 NYTME (km.): 174.107

Item 44.3:

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

Emission Unit: U-COLPL

Emission Point: FUGIT
Height (ft.): 0 Diameter (in.): 1
NYTMN (km.): 4777.746 NYTME (km.): 174.085 Building: SHED

**Condition 45: Process Definition By Emission Unit
Effective between the dates of 01/20/2006 and 01/19/2011**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 45.1:

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

Emission Unit: U-AUX01
Process: GSS Source Classification Code: 1-01-006-02
Process End Date: 10/18/2007
Process Description: AUXILIARY BOILER USING NATURAL GAS AS A FUEL.

Emission Source/Control: 00003 - Combustion
Design Capacity: 25.15 million Btu per hour

Item 45.2:

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

Emission Unit: U-AUX01
Process: OLL Source Classification Code: 1-01-005-01
Process End Date: 10/18/2007
Process Description: AUXILIARY BOILER USING #2 FUEL OIL AS A FUEL.

Emission Source/Control: 00003 - Combustion



Design Capacity: 25.15 million Btu per hour

Item 45.3:

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

Emission Unit: U-CFB01
Process: CKE Source Classification Code: 1-01-008-01
Process Description:
CIRCULATING FLUIDIZED BED BOILER USING ANY
COMBINATION OF COAL, CLEAN UNTREATED WOOD
CHIPS AND PETROLUEM COKE FOR FUEL.

Emission Source/Control: CFB01 - Combustion
Design Capacity: 576.7 million Btu per hour

Emission Source/Control: 00001 - Control
Control Type: DRY LIMESTONE INJECTION

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Item 45.4:

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

Emission Unit: U-CFB01
Process: COL Source Classification Code: 1-01-002-17
Process Description:
CIRCULATING FLUIDIZED BED BOILER USING
COAL AS A FUEL.

Emission Source/Control: CFB01 - Combustion
Design Capacity: 576.7 million Btu per hour

Emission Source/Control: 00001 - Control
Control Type: DRY LIMESTONE INJECTION

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Item 45.5:

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

Emission Unit: U-CFB01
Process: GAS Source Classification Code: 1-01-006-01
Process Description:
NATURAL GAS IS USED FOR STARTUP. THE GAS
IS COMBUSTED BY THE 4 BURNERS USED TO
PROVIDE INITIAL HEATING OF THE BOILER.

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NATURAL GAS MAY ALSO BE COMBUSTED
CONCURRENT WITH THE USE OF SOLID FUEL TO
ACHIEVE FULL UNIT OPERATING CAPACITY.

Emission Source/Control: CFB01 - Combustion
Design Capacity: 576.7 million Btu per hour

Emission Source/Control: 00001 - Control
Control Type: DRY LIMESTONE INJECTION

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Item 45.6:

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

Emission Unit: U-CFB01
Process: OIL Source Classification Code: 1-01-013-02
Process Description:

CIRCULATING FLUIDIZED BED BOILER USING ANY
COMBINATION OF THE PRIMARY FUELS (COAL,
PETROLEUM COKE AND CLEAN UNTREATED WOOD
CHIPS) AND USED LUBRICATING OIL (GENERATED
ON SITE) AS A FUEL. THE USED LUBRICATING
OIL WILL BE MIXED INTO THE PRIMARY FUELS
PRIOR TO BEING FED TO THE BOILER.

Emission Source/Control: CFB01 - Combustion
Design Capacity: 576.7 million Btu per hour

Emission Source/Control: 00001 - Control
Control Type: DRY LIMESTONE INJECTION

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Item 45.7:

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

Emission Unit: U-CFB01
Process: TDF Source Classification Code: 1-01-012-01
Process Description:

CIRCULATING FLUIDIZED BED BOILER BURNING
ANY COMBINATION OF THE PRIMARY FUELS (COAL,
PETROLEUM COKE AND CLEAN UNTREATED WOOD
CHIPS) A MAXIMUM OF 30%, BY WEIGHT, TIRE
DERIVED FUEL (TDF). THE 30% BY WEIGHT TDF
FEED FOR COMBUSTION IS BASED ON A 6-DAY
ROLLING AVERAGE WITH A MAXIMUM 1-DAY FEED
OF 33% BY WEIGHT TDF.

NOTE: TDF FEED RATE MAY BE MODIFIED BASED



UPON SUCCESSFUL COMPLETION OF OPERATIONAL
TEST BURNS AND PERFORMANCE STACK TESTS
AUTHORIZED ELSEWHERE IN THIS PERMIT.

Emission Source/Control: CFB01 - Combustion
Design Capacity: 576.7 million Btu per hour

Emission Source/Control: 00001 - Control
Control Type: DRY LIMESTONE INJECTION

Emission Source/Control: 00002 - Control
Control Type: FABRIC FILTER

Item 45.8:

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

Emission Unit: U-COLPL
Process: MHL Source Classification Code: 3-03-003-09
Process Description:
MATERIAL HANDLING INCLUDING PROCESSING,
STORAGE, TRANSFERRING AND LOADING OF
APPROVED FUELS FOR USE IN THE CIRCULATING
FLUIDIZED BED BOILER.

Emission Source/Control: MHNDL - Process

Condition 46: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-AUX01

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

ANY OWNER/OPERATOR OF A SMALL BOILER
SHALL PERFORM AN ANNUAL TUNE-UP. THE
PERMITTEE SHALL MAINTAIN THE FOLLOWING
INFORMATION FOR 5 YEARS:

- 1) THE DATE ON WHICH THE COMBUSTION
PROCESS WAS LAST ADJUSTED.
- 2) THE NAME, TITLE AND AFFILIATION OF
THE PERSON WHO MADE THE ADJUSTMENTS.

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 52: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 52.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-AUX01

Item 52.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

On or after the date on which the initial performance test is completed or required to be completed under section 60.8 of this part, no owner or operator of an affected facility that combusts oil shall combust oil with a sulfur content in excess of 0.5 percent by weight.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: OIL (NOT ELSEWHERE CLASSIFIED)

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: PER DELIVERY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2006.

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

Condition 47: Averaging period.
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 47.1:

This Condition applies to Emission Unit: U-AUX01

Item 47.2:

Compliance with emission limits, percent reduction, and fuel oil sulfur limitations shall be based on a 30 day rolling average.

Condition 48: Exemption from the averaging period.
Effective between the dates of 01/20/2006 and 01/19/2011



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

Item 48.1:

This Condition applies to Emission Unit: U-AUX01

Item 48.2:

Compliance with emission limits and/or fuel oil sulfur limitations shall be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable.

Condition 49: Enforceability of particulate matter and opacity standards.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 60.43c(d), NSPS Subpart Dc

Item 49.1:

This Condition applies to Emission Unit: U-AUX01

Item 49.2:

The particulate matter and opacity standards of section 40 CFR 60-Dc.43c apply at all times, except during periods of startup, shutdown, and malfunction.

Condition 50: Exemption from sulfur dioxide monitoring requirements.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 60.46c(e), NSPS Subpart Dc

Item 50.1:

This Condition applies to Emission Unit: U-AUX01

Item 50.2:

Facilities subject to paragraphs 40 CFR 60-Dc.42c(h)(1), (2), or (3) showing compliance through vendor certification shall be exempt from section 40 CFR 60-Dc.46c.

Condition 51: Recordkeeping and reporting.

Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 51.1:

This Condition applies to Emission Unit: U-AUX01

Item 51.2:

The facility shall maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

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Condition 53: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 53.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Item 53.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE CFB MAY BURN USED LUBRICATING OIL (GENERATED ON SITE) AS A FUEL. THE OIL MUST BE MIXED WITH ANY COMBINATION OF THE PRIMARY FUELS (COAL, PETROLEUM COKE AND CLEAN UNTREATED WOOD CHIPS) PRIOR TO FEEDING TO THE BOILER.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 54: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR 227-2.4 (a) (2)

Item 54.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

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

Item 54.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

EMISSIONS OF OXIDES OF NITROGEN (NOX) ARE LIMITED TO 0.3 LB/MMBTU BASED ON A 24-HOUR DAILY ARITHMETIC AVERAGE DURING THE OZONE SEASON (MAY 1 TO SEPTEMBER 30) AND 0.3 LB/MMBTU BASED ON A 30-DAY ROLLING AVERAGE DURING THE REST OF THE YEAR (OCTOBER 1 TO APRIL 30). NOX CEMS

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SHALL BE USED FOR MONITORING CONTINUING COMPLIANCE WITH THESE LIMITS. THIS CONDITION SATISFIES THE NOX EMISSION REQUIREMENTS OF 40 CFR 60-Da.44a(a) FOR COMBUSTING SOLID, LIQUID AND GASEOUS FUELS IN THE CFB.

Manufacturer Name/Model Number: THERMO ENVIRONMENTAL/42C

Upper Permit Limit: 0.3 pounds per million Btus

Reference Test Method: M 7E & 19

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 4/30/2006.

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

Condition 55: Testing, monitoring, and reporting requirements for very large boilers.

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement: 6 NYCRR 227-2.6 (a) (1)

Item 55.1:

This Condition applies to Emission Unit: U-CFB01

Item 55.2:

The owner/operator shall measure NOx emissions with a continuous emissions monitoring system (CEMS) as described in 6NYCRR 227-2.6(b).

Condition 56: Compliance Certification

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement: 40CFR 52.21, Subpart A

Item 56.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

Item 56.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PER PSD PERMIT DATED 3/10/89, CONDITION #1, EMISSIONS OF SULFUR DIOXIDE (SO2)



FROM THE CFB ARE LIMITED TO 0.5 LB/MMBTU ON A 30-DAY ROLLING AVERAGE AND A MINIMUM OF 90% REDUCTION IN POTENTIAL EMISSIONS WHICH WERE BOTH VERIFIED BY AN INITIAL STACK TEST. SO2 CEMS SHALL BE USED FOR MONITORING CONTINUING COMPLIANCE WITH 0.5 LB/MMBTU. COMPLIANCE WITH THE 90% REMOVAL REQUIREMENT SHALL BE BY STACK TEST UPON REQUEST OF THIS AGENCY. THIS CONDITION SATISFIES THE SO2 EMISSION REQUIREMENTS OF 40 CFR 60-Da.43a(a) AND 40 CFR 60-Da.43a(b) FOR COMBUSTING SOLID AND GASEOUS/LIQUID FUELS, RESPECTIVELY, IN THE CFB.

Manufacturer Name/Model Number: THERMO ENVIRONMENTAL/43C

Upper Permit Limit: 0.5 pounds per million Btus

Reference Test Method: M 6C & 19

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 4/30/2006.

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

Condition 57: Compliance Certification

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 57.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

CAS No: 0NY075-00-5 PM-10

Item 57.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PER PSD PERMIT DATED 3/10/89, CONDITION # 4, EMISSIONS OF PM-10 FROM THE CFB ARE LIMITED TO 0.022 LB/MMBTU. COMPLIANCE WITH THIS LIMIT WAS DEMONSTRATED DURING AN INITIAL STACK TEST AND CONTINUING COMPLIANCE SHALL BE DEMONSTRATED BY STACK TESTING TO BE CONDUCTED UPON REQUEST OF THE NYSDEC.



Upper Permit Limit: 0.022 pounds per million Btus
Reference Test Method: M 201/201A
Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION
Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST
METHOD INDICATED
Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 58: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 58.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

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

Item 58.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

PER PSD PERMIT DATED 3/10/89, CONDITION # 4, EMISSIONS OF PARTICULATES FROM THE CFB ARE LIMITED TO 0.022 LB/MMBTU. COMPLIANCE WITH THIS LIMIT WAS DEMONSTRATED DURING AN INITIAL STACK TEST AND CONTINUING COMPLIANCE SHALL BE DEMONSTRATED BY STACK TESTING TO BE CONDUCTED UPON REQUEST OF THE NYSDEC. THIS CONDITION SATISFIES THE PARTICULATES EMISSION REQUIREMENTS OF 40 CFR 60-Da.42a FOR THE CFB.

NOTE: PRESSURE CHANGE DEVICES MUST BE FUNCTIONING ON ALL FABRIC FILTER BAGHOUSES WHENEVER A PROCESS OR THE CFB IS IN OPERATION. MONITORING OF PRESSURE CHANGE MUST BE CONDUCTED ONCE PER SHIFT BY CH RESOURCES PERSONNEL WHENEVER THE PROCESS OR CFB IS IN OPERATION. PRESSURE DROP LIMITS OF MONITORING ARE INTENDED TO BE INDICATORS THAT THE EMISSION CONTROL DEVICE IS OPERATING PROPERLY AND OPERATION OF THE BAGHOUSE OUTSIDE OF THE LIMITS OF MONITORING SHALL TRIGGER INVESTIGATION OF BAGHOUSE PERFORMANCE BY APPROPRIATE PLANT PERSONNEL. RECORDS OF



BAGHOUSE MONITORING MUST BE RETAINED FOR FIVE YEARS.

THE "QUALITY ASSURANCE & PREVENTIVE MAINTENANCE PLAN PARTICULATE CONTROL DEVICES, WPS NIAGARA GENERATION, LLC, NIAGARA FALLS, NEW YORK IS A REQUIREMENT OF THIS TITLE V PERMIT AND MUST BE AVAILABLE FOR REVIEW UPON REQUEST OF THIS AGENCY. THIS IS A " LIVING" DOCUMENT, SUBJECT TO REVISION, AND INTENDED TO BE A GUIDELINE FOR MAINTAINING PARTICULATE CONTROL DEVICES. OPERATING AND MONITORING INFORMATION, INCLUDING ALARM SET POINTS NECESSARY TO ENSURE PROPER OPERATION OF PARTICULATE CONTROL DEVICES, MUST BE INCLUDED IN THIS DOCUMENT.

Upper Permit Limit: 0.022 pounds per million Btus

Reference Test Method: M 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: AVERAGING METHOD AS PER REFERENCE TEST METHOD INDICATED

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 59: Compliance Certification

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:40CFR 52.21, Subpart A

Item 59.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 59.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

PER PSD PERMIT DATED 3/10/89, CONDITION #3, EMISSIONS OF CARBON MONOXIDE (CO) FROM THE CFB ARE LIMITED TO 0.2 LB/MMBTU BASED ON A ONE HOUR AVERAGE USING A REQUIRED CONTINUOUS EMISSION MONITORING SYSTEM (CEMS).

Manufacturer Name/Model Number: THERMO ENVIRONMENTAL/48C



Upper Permit Limit: 0.2 pounds per million Btus
Reference Test Method: M 10
Monitoring Frequency: CONTINUOUS
Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 4/30/2006.
Subsequent reports are due every 3 calendar month(s).

Condition 60: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 60.1:
The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Item 60.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

Affected owners or operators shall submit an excess emissions report semi-annually based on the calendar year (or more frequently as required by the applicable Subpart or the Administrator), to the Administrator. These reports shall be postmarked no later than 30 calendar days following the end of the reporting period, and shall contain the following information:

- 1) the magnitude of excess emissions computed, any conversion factors used, the date and time of each occurrence, and the process operating time during the reporting period;
- 2) specific identification of each period of excess emissions that occur during startup, shutdown, or malfunction, where the nature, cause, and corrective action are provided for a malfunction;
- 3) the date and time identifying each period during which the continuous monitoring system was inoperative except for zero span checks and the nature of the system repairs or adjustments; and
- 4) when no excess emissions have occurred or when the continuous monitoring system(s) have not been inoperative, repaired, or adjusted, such information shall be provided in the report.



following:

1. An operational test burn program may be conducted for approximately 30 days utilizing greater than 30% TDF fuel blends so that the maximum percentage of TDF in the fuel that allows the facility to maintain stable boiler operation can be determined. All plant monitoring equipment normally in service, including CEMS for sulfur dioxide, oxides of nitrogen, carbon monoxide, and opacity, must be operational and will be used to evaluate boiler status for compliance with permit limits during this period of time. It is requested that the Department be notified at least 7 days prior to the start of the test burn program. It is requested that a report of the test burn results be submitted to the NYSDEC Region 9 office within 30 days of program completion.

2. With Department approval that the operational test burn program was successful, the facility must conduct stack testing to verify that emissions from combusting TDF in the fuel blend at percentages greater than 30% will comply with existing permit limits and will not result in an exceedance of ambient air quality standards. Testing shall be conducted at both high and low load boiler operation while feeding TDF. Testing for fuels without TDF at high and low load boiler operation (previously tested coal/petroleum coke fuel alone on 02/06-13/2004 at the Niagara plant) will not be required. Testing must be conducted under an approved stack test protocol which will measure at a minimum the following

parameters:

Particulate matter (PM)

Particulate matter less than 10 microns (PM10)

Multiple metals emissions (Arsenic, Beryllium, Cadmium, Chromium, Copper, Nickel, Lead and Zinc)

Dioxins and Furans (PCDD/PCDF)

Sulfur Dioxide (SO₂), Oxides of Nitrogen (NO_x), Carbon Monoxide (CO) and Opacity- all via plant CEMS/COMS Fuel measurement to confirm greater than 30% TDF in the fuel blend

Additional stack emissions and process/sampling parameters deemed appropriate upon test protocol review.

A stack test report must be submitted to this NYSDEC Region 9 office within 60 days of the completion of testing summarizing stack sampling activities. The report must include a 40 CFR 60, Appendix C evaluation of test results compared to the coal/petroleum coke emissions from the above referenced testing. Also, stack emissions must be evaluated to predict ambient air quality impacts using this Department's DAR-1 model for comparison with the Department's annual guideline concentrations



(AGC's).

3. Upon review and approval of the stack test report, the Department may modify TDF fuel blend feed rates based upon fuel measurements achieved during the stack test program.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 64: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 64.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Process: TDF

Item 64.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

This facility is permitted to burn the primary fuels (coal, petroleum coke and clean untreated wood chips) in any combination with a maximum of 30%, by weight, tire derived fuel (TDF) in the fluidized bed boiler, emission point 00101. The TDF must arrive on site pre-chipped (ie: essentially ready for combination with the primary fuels prior to feeding the boiler) and be stored and fed to the boiler by a gravimetric or similar system which is accurately calibrated to ensure a maximum feed of 30%, by weight, TDF to the boiler.

NOTE # 1: The 30% by weight TDF feed for combustion is based on a 6-day rolling average with a maximum 1-day feed of 33% by weight TDF per 6-day rolling average.

2: The facility is prohibited from feeding TDF alone to the CFB (ie: without prior combination with primary fuels).

3: The TDF feed system must be monitored every four (4) hours while processing TDF to storage. Records of this observation must be retained for five (5) years.

4: This Department must be notified within three (3) months of any substantive changes to the TDF

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Facility DEC ID: 9291100152



monitoring or operating procedures referenced above.

NOTE: TDF FEED RATE MAY BE MODIFIED BASED UPON SUCCESSFUL COMPLETION OF OPERATIONAL TEST BURNS AND PERFORMANCE

STACK TESTS AUTHORIZED ELSEWHERE IN THIS PERMIT.

Process Material: OTHER SOLID FUELS

Parameter Monitored: FUEL

Upper Permit Limit: 30 percent by weight

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: MAXIMUM - NOT TO EXCEED STATED VALUE - SEE MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 65: Compliance Certification
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 65.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-COLPL

Item 65.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

An owner or operator subject to the provisions of this subpart shall not cause to be discharged into the atmosphere from any coal processing and conveying equipment, coal storage system, or coal transfer and loading system processing coal, gases which exhibit 20 percent opacity or greater. Compliance with this requirement shall be determined by the source owner conducting a daily survey (non-method 9 observation, non-quantitative opacity reading) of visible emissions from these sources. If any atypical visible emissions are identified, corrective action is required as appropriate for the source. Records of daily survey of visible emissions must be retained for five years.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

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Reference Test Method: 40CFR60 APP A, M9

Monitoring Frequency: DAILY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY



STATE ONLY ENFORCEABLE CONDITIONS
****** Facility Level ******

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

Item A: 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 66: Contaminant List
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:ECL 19-0301

Item 66.1:
Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 000630-08-0
Name: CARBON MONOXIDE



CAS No: 007446-09-5
Name: SULFUR DIOXIDE

CAS No: 007704-34-9
Name: SULFUR

CAS No: 0NY075-00-0
Name: PARTICULATES

CAS No: 0NY075-00-5
Name: PM-10

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

Condition 67: Unavoidable noncompliance and violations
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement: 6 NYCRR 201-1.4

Item 67.1:

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 68: Air pollution prohibited
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 211.2

Item 68.1:

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 69: Applicable Facility, with a unit of a capacity of 25 MWe or greater
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 69.1:

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 70: Permit Requirements
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 70.1:

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



budget permit application and issue or deny a NOx budget permit.

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

Condition 71: Authorization and responsibilities of the NOx authorized account representative

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR Subpart 237-2

Item 71.1:

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

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

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

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

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

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



Condition 72: Compliance Demonstration
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 237-4.1

Item 72.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 72.2:

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 73: Submission of NO_x allowance transfers
Effective between the dates of 01/20/2006 and 01/19/2011



Applicable State Requirement:6 NYCRR 237-7.1

Item 73.1:

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 74: Compliance Demonstration
Effective between the dates of 01/20/2006 and 01/19/2011**

Applicable State Requirement:6 NYCRR Subpart 237-8

Item 74.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 74.2:

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

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Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

Condition 75: Applicability
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 238-1.4

Item 75.1:

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

Condition 76: Permit Requirements
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 76.1:

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

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

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

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

Condition 77: Compliance Demonstration
Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 77.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 77.2:

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



Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 78.1:

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

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

Any provision of the ADR SO2 Budget Trading Program that applies to an SO2 budget unit (including a provision applicable to the SO2 authorized account representative of an SO2 budget unit) shall also apply to the owners and operators of such unit. Except with regard to the requirements applicable to units with a common stack under Subpart 238-8, the owners and operators and the SO2 authorized account representative of one SO2 budget unit shall not be liable for any violation by any other SO2 budget unit of which they are not owners or operators or the SO2 authorized account representative and that is located at a source of which they are not owners or operators or the SO2 authorized account representative.

Condition 79: Effect on Other Authorities

Effective between the dates of 01/20/2006 and 01/19/2011

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

Item 79.1:

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

Condition 80: Submissions to the Department

Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 238-2.1

Item 80.1:

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 81: Compliance Demonstration
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 238-4.1

Item 81.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 81.2:

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.

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Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 82: Submission of SO2 allowance transfers
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR 238-7.1

Item 82.1:

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 83: Compliance Demonstration
Effective between the dates of 01/20/2006 and 01/19/2011

Applicable State Requirement:6 NYCRR Subpart 238-8

Item 83.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 83.2:

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 4/30/2006.
Subsequent reports are due every 3 calendar month(s).

