



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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 9-2911-00152/00025  
Mod 0 Effective Date: 01/20/2006 Expiration Date: 01/19/2011  
Mod 1 Effective Date: 05/19/2010 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:

**NIAGARA GENERATING FACILITY**  
**TITLE V PERMIT**  
**SITE DESCRIPTION**

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 minor modification of the existing Title V permit. This permit will revise some of the existing permit conditions and allow the facility to combust TDF in the fuel blend at percentages up to 40% based on stack testing and evaluations demonstrating that the facility will comply with existing permit limits and will not exceed ambient air quality standards for toxic pollutants. The permit will also allow the facility to conduct stack testing to verify that emissions from combusting TDF in the fuel blend at percentages



greater than 40% will comply with existing permit limits and will not result in an exceedance of ambient air quality standards for toxic pollutants. A condition has been added governing the handling of wood to prevent nuisance dust. In addition the auxiliary boiler was removed and deleted from the permit. 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 condition has been retained in this permit to monitor performance of the coal conveying, storage and transfer systems. A summary of the two 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 40% 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 are controlled by a fabric filter.

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. Handling of other solid fuels is also included in this emission unit.

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.

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

Permit Administrator:

DAVID S DENK  
DIVISION OF ENVIRONMENTAL

PERMITS

270 MICHIGAN AVE  
BUFFALO, NY 14203-2999

Authorized Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_\_



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



**LIST OF CONDITIONS**

**DEC GENERAL CONDITIONS**

**General Provisions**

- Facility Inspection by the Department
- Relationship of this Permit to Other Department Orders and Determinations
  - Applications for permit renewals, modifications and transfers
  - Applications for Permit Renewals and Modifications
  - Permit modifications, suspensions or revocations by the Department
  - Permit modifications, suspensions or revocations by the Department
  - Permit Modifications, Suspensions and Revocations by the Department

**Facility Level**

- Submission of Applications for Permit Modification or Renewal -REGION 9 HEADQUARTERS
- Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS



**DEC GENERAL CONDITIONS**

**\*\*\*\* General Provisions \*\*\*\***

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

**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**

**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

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

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

**Item 2.1:**

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

**Condition 1-1: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 1-1.1:**

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

**Item 1-1.2:**

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

**Item 1-1.3:**

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 to the Department for approval.



**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 1-2: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-2.1:**

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

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

**Condition 1-3: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 1-3.1:**

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,



e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**Condition 4: Permit Modifications, Suspensions and Revocations by the Department**  
**Applicable State Requirement: 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

**Condition 1-4: Submission of application for permit modification or renewal-REGION 9 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 1-4.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 9 Headquarters  
Division of Environmental Permits  
270 Michigan Avenue  
Buffalo, NY 14203-2915  
(716) 851-7165



**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



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

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

**IDENTIFICATION INFORMATION**

Permit Issued To: NIAGARA GENERATION LLC  
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

Mod 0 Permit Effective Date: 01/20/2006

Permit Expiration Date: 01/19/2011

Mod 1 Permit Effective Date: 05/19/2010

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
  - 1-1 6 NYCRR 215.2: Open Fires - Prohibitions
  - 10 6 NYCRR 200.7: Maintenance of Equipment
  - 11 6 NYCRR 201-1.7: Recycling and Salvage
  - 1-2 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 40CFR 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
  - 1-3 6 NYCRR 225-1.2 (d): Compliance Certification
  - 1-4 6 NYCRR 225-1.7 (c): Compliance Certification
  - 39 6 NYCRR 225-1.7 (e): Compliance Certification
  - 1-5 6 NYCRR 227-1.3 (a): Compliance Certification



- 1-6 6 NYCRR 243-1.6 (d): Excess emission requirements
- 1-7 6 NYCRR 243-1.6 (e): Recordkeeping and reporting requirements
- 1-8 6 NYCRR 243-2.1: Authorization and responsibilities of CAIR designated representative
- 1-9 6 NYCRR 243-8.1: General requirements
- 1-10 6 NYCRR 243-8.3: Out of control periods
- 1-11 6 NYCRR 243-8.5 (d): Quarterly reports
- 1-12 6 NYCRR 243-8.5 (e): Compliance certification
- 1-13 6 NYCRR Subpart 244-1: CAIR NOx Annual Trading Program General Conditions
- 1-14 6 NYCRR Subpart 244-2: Designated CAIR Representative
- 1-15 6 NYCRR Subpart 244-8: Compliance Certification
- 1-16 6 NYCRR Subpart 245-1: CAIR SO2 Trading Program General Provisions
- 1-17 6 NYCRR Subpart 245-2: Designated CAIR Representative
- 1-18 6 NYCRR Subpart 245-8: Compliance Certification
- 41 40CFR 60.7(b), NSPS Subpart A: Recordkeeping requirements.
- 42 40CFR 60.8(c), NSPS Subpart A: Required performance test information.
- 1-19 40CFR 60.40a, NSPS Subpart Da: Compliance Certification
- 1-20 40 CFR Part 64: Compliance Certification
- 1-21 40 CFR Part 72: Facility Subject to Title IV Acid Rain Regulations and Permitting

**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-CFB01**

- 1-22 6 NYCRR 225-2.3 (b) (1): Compliance Certification
- 1-23 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.
- 1-24 40CFR 52.21, Subpart A: Compliance Certification
- 1-25 40CFR 52.21, Subpart A: Compliance Certification
- 1-26 40CFR 52.21, Subpart A: Compliance Certification
- 1-27 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**

- 1-28 6 NYCRR 200.6: Compliance Certification
- 1-29 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
- 1-30 6 NYCRR 201-1.4: Unavoidable noncompliance and violations
- 1-31 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



- 1-32 6 NYCRR 237-1.6 (a): General condition (specifying 12 month submittal)
- 1-33 6 NYCRR Subpart 237-2: Authorization and responsibilities of the  
NOx authorized account representative to be included in new permits.
- 1-34 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
- 1-35 6 NYCRR 238-1.6 (c): Compliance Demonstration
- 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
- 1-36 6 NYCRR 242-1.5: Compliance Demonstration
- 1-37 6 NYCRR 242-1.5: Compliance Demonstration
- 1-38 6 NYCRR Subpart 242-4: Compliance Demonstration
- 1-39 6 NYCRR Subpart 242-8: Compliance Demonstration
- 1-40 6 NYCRR 246.3 (b) (1): Compliance Demonstration
- 1-41 6 NYCRR 246.5 (b): Compliance Demonstration
- 1-42 6 NYCRR 246.7 (b) (1): Compliance Demonstration
- 1-43 6 NYCRR 246.8 (c) (1): Compliance Demonstration
- 1-44 6 NYCRR 246.8 (c) (2): Recertification for CEMs
- 1-45 6 NYCRR 246.8 (c) (3): Compliance Demonstration
- 1-46 6 NYCRR 246.8 (d): Compliance Demonstration
- 1-47 6 NYCRR 246.9 (a): Missing Data Procedures and Out of Control  
Periods for CEMs
- 1-48 6 NYCRR 246.11 (a): Compliance Demonstration
- 1-49 6 NYCRR 246.11 (b): Compliance Demonstration
- 1-50 6 NYCRR 246.11 (c): Compliance Demonstration
- 1-51 6 NYCRR 246.11 (d): Compliance Demonstration
- 1-52 6 NYCRR 246.11 (e): Compliance Demonstration

**Emission Unit Level**

**EU=U-COLPL**

- 1-53 6 NYCRR 211.2: 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

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the Administrator (or his or her representative) as well as two copies to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office). Please send annual compliance certifications to Chief of the Stationary Source Compliance Section, the Region 2 EPA representative for the Administrator, at the following address:

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

The address for the RAPCE is as follows:

270 Michigan Avenue  
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2007.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 01/20/2006 and 01/19/2011**

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

**Item 7.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due by April 15th for previous calendar year



**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 01/20/2006 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.

**Condition 1-1: Open Fires - Prohibitions**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 1-1.1:**

Except as allowed by Title 6 NYCRR Section 215.3, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item 1-1.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.



- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**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 1-2: Prohibition of Reintroduction of Collected Contaminants to the air**

**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 201-1.8**

**Replaces Condition(s) 12**

**Item 1-2.1:**

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

**Condition 13: Exempt Sources - Proof of Eligibility**

**Effective between the dates of 01/20/2006 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**

**Item 21.1:**

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If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 22:     Recycling and Emissions Reduction**  
**Effective between the dates of 01/20/2006 and 01/19/2011**

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

**Item 22.1:**

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

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

**Condition 23:     Emission Unit Definition**  
**Effective between the dates of 01/20/2006 and 01/19/2011**

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

**Item 23.1(From Mod 1):**

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 40% 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

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combustion efficiency, and low NO<sub>x</sub> and CO-emissions. Control of SO<sub>2</sub> 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 SO<sub>2</sub> is 0.5 lbs/mmbtu. The unit cannot operate without the limestone injection system operating, thus precluding higher SO<sub>2</sub> levels. The CFB also acts as a control device for NO<sub>x</sub> 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 performance stack tests authorized elsewhere in this permit.

Building(s): #1

**Item 23.2(From Mod 1):**

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 overlapping the coal as it is transferred to the furnace feed. Additional fuels handled onsite include petroleum coke, tire derived fuel (TDF), and clean untreated wood chips.

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 NO<sub>x</sub> authorized account representative of each NO<sub>x</sub> budget unit shall submit to the Department a complete NO<sub>x</sub> Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NO<sub>x</sub> 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 NO<sub>x</sub> Budget Trading Program shall be submitted, signed and certified by the NO<sub>x</sub> authorized account representative for each NO<sub>x</sub> 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 NO<sub>x</sub> 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 monitoring method or alternative monitoring method approved under Subpart 204-8, if any, has changed; and
  - (v) If a change is required to be reported under item (iv) above, specify the nature of the change, the reason for the change, when the change occurred, and how the unit's compliance status was determined subsequent to the change, including what method was used to determine emissions when a change mandated the need for monitor recertification.

**Condition 27: Discretionary report contents.**

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

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

**Item 27.1: At the NOx authorized account representative's option the following may be included in the compliance certification report:**

- (1) The serial numbers of the NOx allowances that are to be deducted from each unit's compliance account under Section 204-6.5 for the control period; and
- (2) For units sharing a common stack and having NOx emissions that are not monitored separately or apportioned in accordance with Subpart 204-8, the percentage of NOx allowances that is to be deducted from each unit's compliance account under Subdivision 204-6.5(e).

**Condition 28: Compliance Certification**



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

Applicable Federal Requirement:6 NYCRR 204-4.1

**Item 28.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For each control period in which one or more NOx Budget units at a source are subject to the NOx Budget emissions limitation, the NOx authorized account representative of the source shall submit to the Department and the Administrator by November 30 of that year, a compliance certification report for each source covering all such units.

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 29: Submission of NOx allowance transfers.**

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

Applicable Federal Requirement:6 NYCRR 204-7.1

**Item 29.1: The NOx authorized account representatives seeking recordation of a NOx allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NOx allowance transfer shall include the following elements in a format specified by the Administrator:**

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

**Condition 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

**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

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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:

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:**

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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 1-3: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-3.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007704-34-9 SULFUR

**Item 1-3.2:**

Compliance Certification shall include the following monitoring:

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 7/30/2010.

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

**Condition 1-4: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

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Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



**Item 1-4.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-4.2:**

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. The gross heat content and ash content of each fuel burned must be determined at least once each week. 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.

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 1-5: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-5.2:**

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. Compliance with this requirement shall be determined using the Continuous Opacity Monitoring System (COMS) on the CFB and taking corrective action appropriate for the source.

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 1-6: Excess emission requirements**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-6.1:**

If a CAIR NO<sub>x</sub> Ozone Season source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> Ozone Season emissions limitation, then:

- (1) the owners and operators of the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source



shall surrender the CAIR NO<sub>x</sub> Ozone Season allowances required for deduction under section 243-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law; and

(2) each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law.

**Condition 1-7: Recordkeeping and reporting requirements**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 243-1.6 (e)**

**Item 1-7.1:**

Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> Ozone Season source and each CAIR NO<sub>x</sub> Ozone Season unit at the source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator.

(i) The certificate of representation under section 243-2.4 for the CAIR designated representative for the source and each CAIR NO<sub>x</sub> Ozone Season unit at the source and all documents that demonstrate the truth of the statements in the certificate of representation; provided that the certificate and documents shall be retained on site at the source beyond such five-year period until such documents are superseded because of the submission of a new certificate of representation under section 243-2.4 changing the CAIR designated representative.

(ii) All emissions monitoring information, in accordance with Subpart 243-8, provided that to the extent that Subpart 243-8 provides for a three-year period for recordkeeping, the three-year period shall apply.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Ozone Season Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Ozone Season Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Ozone Season Trading Program.

**Condition 1-8: Authorization and responsibilities of CAIR designated representative**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 243-2.1**

**Item 1-8.1:**

Except as provided under section 243-2.2, each CAIR NO<sub>x</sub> Ozone Season source, including all CAIR NO<sub>x</sub> Ozone Season units at the source, shall have one and only one CAIR designated representative, with regard to all matters under the CAIR NO<sub>x</sub> Ozone Season Trading Program concerning the source or any CAIR NO<sub>x</sub> Ozone Season unit at the source.

The CAIR designated representative of the CAIR NO<sub>x</sub> Ozone Season source shall be selected by an agreement binding on the owners and operators of the source and all CAIR NO<sub>x</sub> Ozone Season units at the source and shall act in accordance with the certification statement in section



243-2.4(a)(4)(iv).

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

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

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

**Condition 1-9: General requirements**

**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement: 6 NYCRR 243-8.1**

**Item 1-9.1:**

The owners and operators, and to the extent applicable, the CAIR designated representative, of a CAIR NOx Ozone Season unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in this Subpart and in Subpart H of 40 CFR Part 75. For purposes of complying with such requirements, the definitions in section 243-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR NOx Ozone Season unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 243-1.2. The owner or operator of a unit that is not a CAIR NOx Ozone Season unit but that is monitored under 40 CFR 75.72(b)(2)(ii) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR NOx Ozone Season unit.

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

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(1) install all monitoring systems required under this Subpart for monitoring NO<sub>x</sub> mass emissions and individual unit heat input (including all systems required to monitor NO<sub>x</sub> emission rate, NO<sub>x</sub> concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.71 and 40 CFR 75.72);

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

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

**Condition 1-10: Out of control periods**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 243-8.3**

**Item 1-10.1:**

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

**Condition 1-11: Quarterly reports**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-11.1:**

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

If the CAIR NO<sub>x</sub> Ozone Season unit is subject to an Acid Rain emissions limitation or a CAIR NO<sub>x</sub> emissions limitation or if the owner or operator of such unit chooses to report on an annual basis under this Subpart, the CAIR designated representative shall meet the requirements of Subpart H of 40 CFR Part 75 (concerning monitoring of NO<sub>x</sub> mass emissions) for such unit for the entire year and shall report the NO<sub>x</sub> mass emissions data and heat input data for such unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with:

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

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

The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f).



For CAIR NO<sub>x</sub> Ozone Season units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Annual Trading Program, CAIR SO<sub>2</sub> Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NO<sub>x</sub> mass emission data, heat input data, and other information required by this Subpart.

**Condition 1-12: Compliance certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-12.1:**

The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

- (1) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications;
- (2) for a unit with add-on NO<sub>x</sub> emission controls and for all hours where NO<sub>x</sub> data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate NO<sub>x</sub> emissions; and
- (3) for a unit that is reporting on a control period basis under subparagraph (d)(2)(ii) of this section, the NO<sub>x</sub> emission rate and NO<sub>x</sub> concentration values substituted for missing data under Subpart D of 40 CFR Part 75 are calculated using only values from a control period and do not systematically underestimate NO<sub>x</sub> emissions.

**Condition 1-13: CAIR NO<sub>x</sub> Annual Trading Program General Conditions**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR Subpart 244-1**

**Item 1-13.1:**

- 1) As of midnight of March 1, or midnight of the first business day thereafter if March 1 is not a business day, the owners and operators shall hold, in their compliance account, Clean Air Interstate Rule (CAIR) NO<sub>x</sub> allowances available for compliance deductions for the previous control period (January 1 through December 31), in an amount not less than the total tons of nitrogen oxides emissions from all CAIR NO<sub>x</sub> units at the source during that control period. A CAIR NO<sub>x</sub> allowance shall not be deducted for a control period in a calendar year before the year for which the CAIR NO<sub>x</sub> allowance was allocated. [244-1.6(c)(1), 244-1.2(b)(5), 244-1.2(b)(36), 244-1.6(c)(3)]
- 2) The owners and operators shall hold in their compliance account, CAIR NO<sub>x</sub> allowances available for compliance deductions for the control period starting on the later of January 1, 2009 or the deadline for meeting a CAIR NO<sub>x</sub> unit's monitor certification requirements under



section 244-8.1(b)(1), (2), or (5) and for each control period thereafter. [244-1.6(c)(2)]

3) If a CAIR NO<sub>x</sub> source emits nitrogen oxides during any control period in excess of the CAIR NO<sub>x</sub> emissions limitation, the owners and operators of the CAIR NO<sub>x</sub> source shall surrender the CAIR NO<sub>x</sub> allowances required for deduction under 6NYCRR Part 244-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this permit, the Act, and applicable State law. [(244-1.6(d))]

4) Unless otherwise provided, the owners and operators of the CAIR NO<sub>x</sub> source shall keep on site each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [244-1.6(e)]

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

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR NO<sub>x</sub> Annual Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR NO<sub>x</sub> Annual Trading Program or to demonstrate compliance with the requirements of the CAIR NO<sub>x</sub> Annual Trading Program.

**Condition 1-14: Designated CAIR Representative**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR Subpart 244-2**

**Item 1-14.1:**

1) Each Clean Air Interstate Rule (CAIR) NO<sub>x</sub> source shall have one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 244-2.2, with regard to all matters under the CAIR NO<sub>x</sub> Annual Trading Program. The CAIR designated representative shall be selected by an agreement binding on the owners and operators of the source and act in accordance with the certification statement in 6NYCRR Part 244-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 244-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR NO<sub>x</sub> source represented in all matters pertaining to the CAIR NO<sub>x</sub> Annual Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source. [244-2.1(a), (b) & (c)]

(2) Each submission under the CAIR NO<sub>x</sub> Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR NO<sub>x</sub> source on behalf of which the submission is made. Each such submission shall include the following certification



statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment." [244-2.1(e)]

**Condition 1-15: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR Subpart 244-8**

**Item 1-15.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 1-15.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting NOx emissions:

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

2) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under 6NYCRR Part 244-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record NOx mass emissions or heat input rate or to meet the quality-assurance and quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b) .



Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system, and any excepted NOx monitoring system under appendix E to 40 CFR part 75, under 6NYCRR Part 244-8.1(a)(1) are subject to the recertification requirements in 40 CFR 75.20(g)(6). [224-8.2(d)(2)]

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

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

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

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

7) The CAIR designated representative shall submit quarterly reports of the NOx mass emissions data and heat input data for each CAIR NOx unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with the calendar quarter covering January 1, 2008 through March 31, 2008; unless the unit commences commercial operation on or after July 1, 2007, then quarterly



reporting commences with the calendar quarter corresponding to the earlier of the date of provisional certification or the applicable deadline for initial certification under section 244-8.1(b). [244-8.5(d)(1)]

8) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.73(f). [244-8.5(d)(2)]

9) For CAIR NOx units that are also subject to an Acid Rain emissions limitation or the CAIR NOx Ozone Season Trading Program, CAIR SO2 Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the NOx mass emission data, heat input data, and other information required by Subpart 244-8. [244-8.5(d)(3)]

10) Compliance certification - The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that: [244-8.5(e)]

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

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

Monitoring Frequency: CONTINUOUS  
Averaging Method: ANNUAL TOTAL  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2010.  
Subsequent reports are due every 3 calendar month(s).

**Condition 1-16: CAIR SO2 Trading Program General Provisions**  
**Effective between the dates of 05/19/2010 and 01/19/2011**



**Applicable Federal Requirement:6 NYCRR Subpart 245-1**

**Item 1-16.1:**

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

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

3) If a CAIR SO<sub>2</sub> source emits sulfur dioxide during any control period in excess of the CAIR SO<sub>2</sub> emissions limitation, the owners and operators of the source shall surrender the CAIR SO<sub>2</sub> allowances required for deduction under 6NYCRR Part 245-6.5(d)(1) and pay any fine, penalty, or assessment or comply with any other remedy imposed, for the same violations, under the Act or applicable State law. Each ton of such excess emissions and each day of such control period shall constitute a separate violation of this Subpart, the Act, and applicable State law. [(245-1.6(d)]

4) Unless otherwise provided, the owners and operators of the CAIR SO<sub>2</sub> source shall keep on site at the source each of the following documents for a period of five years from the date the document is created. This period may be extended for cause, at any time before the end of five years, in writing by the department or the Administrator: [245-1.6(e)]

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

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

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CAIR SO<sub>2</sub> Trading Program.

(iv) Copies of all documents used to complete a CAIR permit application and any other submission under the CAIR SO<sub>2</sub> Trading Program or to demonstrate compliance with the requirements of the CAIR SO<sub>2</sub> Trading Program.

**Condition 1-17: Designated CAIR Representative**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR Subpart 245-2**

**Item 1-17.1:**



1) Each CAIR SO<sub>2</sub> source shall have one and only one CAIR designated representative and may have one alternate representative, as per 6NYCRR Part 245-2.2, with regard to all matters under the CAIR SO<sub>2</sub> Trading Program. The CAIR designated representative of the CAIR SO<sub>2</sub> source shall be selected by an agreement binding on the owners and operators of the source and all CAIR SO<sub>2</sub> units at the source and shall act in accordance with the certification statement in 6NYCRR Part 245-2.4(a)(4)(iv). Upon receipt by the Administrator of a complete certificate of representation under 6NYCRR Part 245-2.4, the CAIR designated representative of the source shall represent and, by his or her representations, actions, inactions, or submissions, legally bind each owner and operator of the CAIR SO<sub>2</sub> source represented and each CAIR SO<sub>2</sub> unit at the source in all matters pertaining to the CAIR SO<sub>2</sub> Trading Program, notwithstanding any agreement between the CAIR designated representative and such owners and operators. The owners and operators shall be bound by any decision or order issued to the CAIR designated representative by the department, the Administrator, or a court regarding the source or unit.  
[245-2.1(a), (b) & (c)]

(2) Each submission under the CAIR SO<sub>2</sub> Trading Program shall be submitted, signed, and certified by the CAIR designated representative for each CAIR SO<sub>2</sub> source on behalf of which the submission is made. Each such submission shall include the following certification statement by the CAIR designated representative: "I am authorized to make this submission on behalf of the owners and operators of the source or units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."  
[245-2.1(e)]

**Condition 1-18: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement: 6 NYCRR Subpart 245-8**

**Item 1-18.1:**

The Compliance Certification activity will be performed for the Facility.

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

**Item 1-18.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Monitoring and Reporting SO<sub>2</sub> emissions:

1) The owners and operators, and to the extent applicable, the Clean Air Interstate Rule (CAIR) designated representative, of a CAIR SO<sub>2</sub> unit, shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. For purposes of complying with such



requirements, the definitions in section 245-1.2 and 40 CFR 72.2 shall apply, and the terms "affected unit," "designated representative," and "continuous emission monitoring system" (or "CEMS") in 40 CFR Part 75 shall be deemed to refer to the terms "CAIR SO<sub>2</sub> unit," "CAIR designated representative," and "continuous emission monitoring system" (or "CEMS") respectively, as defined in section 245-1.2. The owner or operator of a unit that is not a CAIR SO<sub>2</sub> unit but that is monitored under 40 CFR 75.16(b)(2) shall comply with the same monitoring, recordkeeping, and reporting requirements as a CAIR SO<sub>2</sub> unit. [245-8.1]

2)The owner or operator of each CAIR SO<sub>2</sub> unit shall:  
[245-8.1(a)]

(i) install all monitoring systems required under this Subpart for monitoring SO<sub>2</sub> mass emissions and individual unit heat input (including all systems required to monitor SO<sub>2</sub> concentration, stack gas moisture content, stack gas flow rate, CO<sub>2</sub> or O<sub>2</sub> concentration, and fuel flow rate, as applicable, in accordance with 40 CFR 75.11 and 40 CFR 75.16);

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

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

3) The owner or operator shall meet the monitoring system certification and other requirements of section 245-8.1(a)(1) and (2) on or before the following dates. The owner or operator shall record, report, and quality-assure the data from the monitoring systems under section 245-8.1(a)(1) on and after the following dates.  
[245-8.1(b)]

(i) For the CAIR SO<sub>2</sub> unit that commences commercial operation before July 1, 2008, by January 1, 2009.

(ii) For the CAIR SO<sub>2</sub> unit that commences commercial operation on or after July 1, 2008, by the later of the following dates: January 1, 2009; or 90 unit operating days or 180 calendar days, whichever occurs first, after the date on which the unit commences commercial operation.

4) Whenever the owner or operator makes a replacement, modification, or change in any certified continuous emission monitoring system under section 245-8.1(a)(1) that may significantly affect the ability of the system to accurately measure or record SO<sub>2</sub> mass emissions or heat input rate or to meet the quality-assurance and



quality-control requirements of 40 CFR 75.21 or appendix B to 40 CFR Part 75, the owner or operator shall recertify the monitoring system in accordance with 40 CFR 75.20(b). Furthermore, whenever the owner or operator makes a replacement, modification, or change to the flue gas handling system or the unit's operation that may significantly change the stack flow or concentration profile, the owner or operator shall recertify each continuous emission monitoring system whose accuracy is potentially affected by the change, in accordance with 40 CFR 75.20(b). Examples of changes to a continuous emission monitoring system that require recertification include: replacement of the analyzer, complete replacement of an existing continuous emission monitoring system, or change in location or orientation of the sampling probe or site. Any fuel flowmeter system under section 245-8.1(a)(1) is subject to the recertification requirements in 40 CFR 75.20(g)(6). [245-8.2(d)(2)]

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

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

7) The owner or operator of a CAIR SO<sub>2</sub> unit shall comply with requirements of 40 CFR 75.62 for monitoring plans. [245-8.5(b)]

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

9) The CAIR designated representative shall submit quarterly reports of the SO<sub>2</sub> mass emissions data and heat input data for each CAIR SO<sub>2</sub> unit, in an electronic quarterly report in a format prescribed by the Administrator, for each calendar quarter beginning with: [245-8.5(d)(1)]

i) the calendar quarter covering January 1, 2009 through March 31, 2009 for a unit that commences



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

10) The CAIR designated representative shall submit each quarterly report to the Administrator within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.64. [245-8.5(d)(2)]

11) For CAIR SO<sub>2</sub> units that are also subject to an Acid Rain emissions limitation or the CAIR NO<sub>x</sub> Annual Trading Program, CAIR NO<sub>x</sub> Ozone Season Trading Program, or the Mercury Reduction Program for Coal-Fired Electric Utility Steam Generating Units (6 NYCRR Part 246), quarterly reports shall include the applicable data and information required by Subparts F through I of 40 CFR Part 75 as applicable, in addition to the SO<sub>2</sub> mass emission data, heat input data, and other information required by this Subpart. [245-8.5(d)(3)]

12) The CAIR designated representative shall submit to the Administrator a compliance certification (in a format prescribed by the Administrator) in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that: [245-8.5(e)]

- i) the monitoring data submitted were recorded in accordance with the applicable requirements of this Subpart and 40 CFR Part 75, including the quality assurance procedures and specifications; and
- ii) for a unit with add-on SO<sub>2</sub> emission controls and for all hours where SO<sub>2</sub> data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emission controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B to 40 CFR Part 75 and the substitute data values do not systematically underestimate SO<sub>2</sub> emissions.

Monitoring Frequency: CONTINUOUS  
Averaging Method: ANNUAL TOTAL  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2010.  
Subsequent reports are due every 3 calendar month(s).



**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 1-19: Compliance Certification**  
Effective between the dates of 05/19/2010 and 01/19/2011

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

**Item 1-19.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-19.2:**

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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-20: Compliance Certification**  
Effective between the dates of 05/19/2010 and 01/19/2011

**Applicable Federal Requirement:40 CFR Part 64**

**Item 1-20.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 1-20.2:**

Compliance Certification shall include the following monitoring:



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The Coal Fluidized Bed (CFB) boiler and its associated control devices are subject to the CAM regulations. Compliance Assurance Monitoring plan dated April, 2008, consisting of 10 pages [(Cover sheet (1 page) dated April, 2008, Table of Contents (1 page), CAM Plan (7 pages), and Table 1 (1 page)] has been submitted for the CFB and is approved by this Department.

The following are additional elements of the CAM program:

- 1.) The minimum data availability requirement for valid data collection for each averaging period, and the minimum data availability requirement for the averaging periods in the reporting period is 95% of the emission point's operating time [(40 CFR Part 64.6(c)(4)].
- 2.) Exceedance of the 1-hour average opacity limit of 8% shall be considered a 1 hour operating excursion.
- 3.) Each data recording (every 4 hours) by personnel on fabric filter operation outside of the normal operating range for the pressure drop across the fabric filter bags of 4 to 10 inches of water shall be considered a 4 hour operating excursion.  
Note: An excursion shall not be considered a violation of this permit.
- 4.) The number, duration, cause and corrective actions taken and results for any operating excursion shall be reported in the quarterly excess emission reports.
- 5.) The CFB operating hours and the excursions as a percentage of the boiler operating hours shall be reported semi-annually in the 2nd and 4th quarterly excess emission reports.
- 6.) A Quality Improvement Plan (QIP) shall be developed and implemented when the combined excursions noted in 2.) and 3.) above are more than 5% of the operating hours of the CFB during any semi-annual reporting period. An exceedance of the 5% threshold shall be reported as a deviation in the semi-annual and annual compliance reports. The elements of a QIP are included by reference in 40 CFR 64.8. The QIP shall include provision for a compliance stack test should the QIP fail to address or correct control device performance problems.

Monitoring Frequency: CONTINUOUS  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-21: Facility Subject to Title IV Acid Rain Regulations and Permitting**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



**Applicable Federal Requirement:40 CFR Part 72**

**Item 1-21.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.**

**\*\*\*\* 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(From Mod 1):**

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 44.2(From Mod 0):**

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(From Mod 1):**

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 petroleum coke for fuel or clean untreated wood chips alone.

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 45.2(From Mod 1):**

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

Emission Unit: U-CFB01  
Process: COL Source Classification Code: 1-01-002-18  
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 45.3(From Mod 1):**

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. 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 45.4(From Mod 1):**

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 45.5(From Mod 1):**

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 40%, by weight, tire derived fuel (TDF). The 40% by weight TDF feed for combustion is based on a 6-day rolling average with a maximum 1-day feed of 44% by weight TDF.

Note: TDF feed rate may be modified based upon successful completion of 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 45.6(From Mod 1):**

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

Emission Unit: U-CFB01  
Process: WOD Source Classification Code: 1-01-009-03  
Process Description:

Circulating fluidized bed boiler using 100% untreated wood 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 45.7(From Mod 1):**

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 1-22: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-22.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

**Item 1-22.2:**

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 1-23: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-23.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

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

**Item 1-23.2:**

**New York State Department of Environmental Conservation**

Permit ID: 9-2911-00152/00025

Facility DEC ID: 9291100152



Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Emissions of Oxides of Nitrogen (NO<sub>x</sub>) 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 ). NO<sub>x</sub> CEMS shall be used for monitoring continuing compliance with these limits. This condition satisfies the NO<sub>x</sub> 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/42i

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 7/30/2010.

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 NO<sub>x</sub> emissions with a continuous emissions monitoring system (CEMS) as described in 6NYCRR 227-2.6(b).

**Condition 1-24: Compliance Certification**

**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-24.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

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**Item 1-24.2:**

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/48i

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 7/30/2010.

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

**Condition 1-25: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-25.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

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

**Item 1-25.2:**

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. Continuing compliance with this limit shall be demonstrated by stack testing to be conducted in alternate calendar years beginning calendar year 2010.

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

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**Condition 1-26: Compliance Certification**  
Effective between the dates of 05/19/2010 and 01/19/2011

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-26.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 1-26.2:**

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 (SO<sub>2</sub>) 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. SO<sub>2</sub> 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 SO<sub>2</sub> emission requirements of 40 CFR 60-Da.43a(a) and 40 CFR 60-Da.43a(b) for combusting solid and gaseous/liquid fossil fuels, respectively, in the CFB.

When only wood and TDF are combusted in the CFB, there is no SO<sub>2</sub> percentage reduction requirement.

Manufacturer Name/Model Number: THERMO ENVIRONMENTAL/43i

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 7/30/2010.

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

**Condition 1-27: Compliance Certification**  
Effective between the dates of 05/19/2010 and 01/19/2011

**Applicable Federal Requirement:40CFR 52.21, Subpart A**

**Item 1-27.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

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Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-27.2:**

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. Continuing compliance with this limit shall be demonstrated by stack testing to be conducted in alternate calendar years beginning calendar year 2010. 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 twice per shift by plant 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, Niagara Generating Facility, 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 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**

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**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.

Monitoring Frequency: CONTINUOUS

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 61: Continuous emissions monitoring.**

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

**Applicable Federal Requirement:40CFR 60.47a, NSPS Subpart Da**

**Item 61.1:**

This Condition applies to Emission Unit: U-CFB01

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**Item 61.2:**

Applicants subject to the emission limits of Subpart Da shall install, calibrate, maintain, and operate CEMs for oxides of nitrogen, sulfur dioxide, opacity, and either oxygen or carbon dioxide.

**Condition 62: Compliance testing requirements.**  
**Effective between the dates of 01/20/2006 and 01/19/2011**

**Applicable Federal Requirement:40CFR 60.48a, NSPS Subpart Da**

**Item 62.1:**

This Condition applies to Emission Unit: U-CFB01

**Item 62.2:**

The owner/operator of a facility conducting emission tests required under section 60.8 shall use the test methods located in Appendix A of this Part 40 CFR 60.

**Condition 1-28: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 1-28.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01

Process: TDF

**Item 1-28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To evaluate whether this facility can operate effectively in a stable manner within existing permit limits while combusting a higher percentage of TDF in the fuel than is currently permitted, this permit authorizes the following:

1. The facility must conduct stack testing to verify that emissions from combusting TDF in the fuel blend at percentages greater than 40% 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. This protocol must include the parameters to be tested as agreed by the NYSDEC as



well as plant operating and fuel sampling records deemed appropriate for the CFB.

2. 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, as appropriate, 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 1-29: Compliance Certification**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-29.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-CFB01  
Process: TDF

**Item 1-29.2:**

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 40%, by weight, tire derived fuel (TDF) in the fluidized bed boiler, emission point 00101. The TDF must arrive on site pre-chipped and be stored and fed to the boiler by a gravimetric or similar system which is accurately calibrated to ensure a maximum feed of 40%, by weight, TDF to the boiler.

NOTE # 1: The 40% by weight TDF feed for combustion is based on a 6-day rolling average with maximum 1-day feed

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of 44% by weight TDF per 6-day rolling average.

# 2: The facility is prohibited from feeding TDF alone to the CFB (ie: without co-firing one of the 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 monitoring or operating procedures referenced above.

TDF feed rate may be modified based upon successful completion of performance stack tests authorized elsewhere in this permit.

Process Material: OTHER SOLID FUELS

Parameter Monitored: FUEL

Upper Permit Limit: 40 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,

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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

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: 000124-38-9  
Name: CARBON DIOXIDE



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

CAS No: 007439-97-6  
Name: MERCURY

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 1-30: Unavoidable noncompliance and violations  
Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Replaces Condition(s) 67**

**Item 1-30.1:**

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

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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 1-31: Air pollution prohibited**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 211.2**

**Replaces Condition(s) 68**

**Item 1-31.1:**

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 1-32: General condition (specifying 12 month submittal)**  
**Effective between the dates of 05/19/2010 and 01/19/2011**



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

**Replaces Condition(s) 70**

**Item 1-32.1: 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; twelve (12) months before the date on which the NOx Budget unit commences operation; 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 1-33: Authorization and responsibilities of the NOx authorized account representative to be included in new permits. Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Replaces Condition(s) 71**

**Item 1-33.1: 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."

**Condition 1-34: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Replaces Condition(s) 72**

**Item 1-34.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-34.2:**

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<sub>x</sub> authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the NO<sub>x</sub> budget units at the source in compliance with the Acid Deposition Reduction (ADR) NO<sub>x</sub> Budget Trading Program, whether each NO<sub>x</sub> budget unit for which the compliance certification is submitted was operated during the calendar year covered by the report in compliance with the requirements of the ADR NO<sub>x</sub> Budget Trading Program applicable to the unit, including:

(a) whether the unit was operated in compliance with the NO<sub>x</sub> budget emissions limitation;

(b) whether the monitoring plan that governs the unit has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO<sub>x</sub> emissions to the unit, in accordance with NYCRR 237-8;

(c) whether all the NO<sub>x</sub> 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: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 73: Submission of NOx 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:

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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 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 1-35: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-35.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-35.2:**

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



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

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

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

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

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

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

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

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

Monitoring Frequency: CONTINUOUS  
Reporting Requirements: ANNUALLY (CALENDAR)



Reports due 30 days after the reporting period.  
The initial report is due 1/30/2011.  
Subsequent reports are due every 12 calendar month(s).

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

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

An SO<sub>2</sub> budget unit shall be subject to the requirements under NYCRR 238-1.6 (c)(1) on the date on which the unit commences operation.

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

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

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

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provision of law shall be construed to limit the authority of the United States or the State to terminate or limit such authorization.

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

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

Monitoring Frequency: CONTINUOUS  
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 78: Liability**  
**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 SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget source or SO<sub>2</sub> budget unit from compliance with any other provisions of applicable State and federal law and regulation.

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

"I am authorized to make this submission on behalf of the owners and operators of the SO<sub>2</sub> budget sources or SO<sub>2</sub> budget units for which the submission is made. I certify under penalty of law that I have personally examined, and am familiar with, the statements and information submitted in this document and all its attachments. Based on my inquiry of those individuals with primary responsibility for obtaining the information, I certify that the statements and information are to the best of my knowledge and belief true, accurate, and complete. I am aware that there are significant penalties for submitting false statements and information or omitting required statements and information, including the possibility of fine or imprisonment."

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

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



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

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

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



If conditional data were reported, the owner or operator shall indicate whether the status of all conditional data has been resolved and all necessary quarterly report resubmissions have been made;

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 82: Submission of SO<sub>2</sub> 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 SO<sub>2</sub> authorized account representatives seeking recordation of an SO<sub>2</sub> allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the SO<sub>2</sub> 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 SO<sub>2</sub> allowance to be transferred; and
- (c) the printed name and signature of the SO<sub>2</sub> 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 SO<sub>2</sub> authorized account representative of an SO<sub>2</sub> budget unit, shall comply with the monitoring and reporting requirements as provided for in all applicable sections of 40 CFR part 75. For purposes of complying with such requirements, the definitions in NYCRR 238-1.2 and in 40 CFR 72.2 shall apply, and the terms "affected unit," and "designated representative" in 40 CFR part 75 shall be replaced by the terms "SO<sub>2</sub> budget unit," and "SO<sub>2</sub> authorized account representative," respectively, as defined in NYCRR 238-1.2.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2006.

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

**Condition 1-36: Compliance Demonstration**

**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 242-1.5**

**Item 1-36.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-36.2:**

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 CO<sub>2</sub> authorized account representative of each CO<sub>2</sub> budget source and each CO<sub>2</sub> budget unit at the source shall comply with the monitoring requirements of Subpart 242-8. The emissions measurements recorded and reported in accordance with Subpart 242-8 of this Part shall be used to determine compliance by the unit with the following CO<sub>2</sub> requirements:

- (1) The owners and operators of each CO<sub>2</sub> budget source and each CO<sub>2</sub> budget unit at the source shall hold CO<sub>2</sub> allowances available for compliance deductions under Section 242-6.5, as of the CO<sub>2</sub> allowance transfer deadline, in the source's compliance account in an amount



not less than the total CO2 emissions for the control period from all CO2 budget units at the source, as determined in accordance with Subparts 242-6 and 242-8.

(2) Each ton of CO2 emitted in excess of the CO2 budget emissions limitation shall constitute a separate violation of this Part and applicable state law.

(3) A CO2 budget unit shall be subject to the requirements specified in item 1 starting on the later, of January 1, 2009 or the date on which the unit commences operation.

(4) CO2 allowances shall be held in, deducted from, or transferred among CO2 Allowance Tracking System accounts in accordance with Subparts 242-5, 242-6, and 242-7, and Section 242-10.7.

(5) A CO2 allowance shall not be deducted, in order to comply with the requirements specified in item 1, for a control period that ends prior to the allocation year for which the CO2 allowance was allocated. A CO2 offset allowance shall not be deducted, in order to comply with the requirements under item 1, beyond the applicable percent limitations set out in 6NYCRR Part 242-6.5(a)(3).

(6) A CO2 allowance under the CO2 Budget Trading Program is a limited authorization by the Department or a participating state to emit one ton of CO2 in accordance with the CO2 Budget Trading Program. No provision of the CO2 Budget Trading Program, the CO2 budget permit application, or the CO2 budget permit or any provision of law shall be construed to limit the authority of the Department or a participating state to terminate or limit such authorization.

(7) A CO2 allowance under the CO2 Budget Trading Program does not constitute a property right.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

**Condition 1-37: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 242-1.5**



**Item 1-37.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-37.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of the CO2 budget source and each CO2 budget unit at the source shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the department.

(i) The account certificate of representation for the CO2 authorized account representative for the source and each CO2 budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 6 NYCRR Part 242-2.4, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation.

(ii) All emissions monitoring information, in accordance with Subpart 242-8 and 40 CFR 75.57.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CO2 Budget Trading Program.

(iv) Copies of all documents used to complete a CO2 budget permit application and any other submission under the CO2 Budget Trading Program or to demonstrate compliance with the requirements of the CO2 Budget Trading Program.

The CO2 authorized account representative of a CO2 budget source and each CO2 budget unit at the source shall submit the reports and compliance certifications required under the CO2 Budget Trading Program, including those under Subpart 242-4.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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



**Condition 1-38: Compliance Demonstration**  
Effective between the dates of 05/19/2010 and 01/19/2011

**Applicable State Requirement:6 NYCRR Subpart 242-4**

**Item 1-38.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 000124-38-9 CARBON DIOXIDE

**Item 1-38.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Annual Compliance Certification Report:

(a) For each control period in which a CO2 budget source is subject to the CO2 requirements of subdivision 242-1.5(c) of this Part, CO2 authorized account representative of the source shall submit to the department by March 1st following the relevant control period, a compliance certification report.

(b) The compliance certification report shall include the following elements:

- (1) identification of the source and each CO2 budget unit at the source;
- (2) as an option, the serial numbers of the CO2 allowances that are to be deducted from the source's compliance account under section 242-6.5 of this Part for the control period, including the serial numbers of any CO2 offset allowances that are to be deducted subject to the limitations of section 242-6.5(a)(3) of this Part; and
- (3) the compliance certification under subdivision (c) of this section (below).

(c) In the compliance certification report the CO2 authorized account representative shall certify, based on reasonable inquiry of those persons with primary responsibility for operating the source and the CO2 budget units at the source in compliance with the CO2 Budget Trading Program, whether the source and each CO2 budget unit at the source for which the compliance certification is submitted was operated during the calendar years covered by the report in compliance with the requirements of the CO2 Budget Trading Program, including:

- (1) whether the source was operated in compliance with the CO2 requirements of section 242-1.5(c) of this Part;
- (2) whether the monitoring plan applicable to each unit



at the source has been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute CO2 emissions to the unit, in accordance with Subpart 242-8 of this Part;

(3) whether all the CO2 emissions from the units at the source 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 242-8 of this Part. 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;

(4) whether the facts that form the basis for certification under Subpart 242-8 of each monitor at each unit at the source, or for using an excepted monitoring method or alternative monitoring method approved under Subpart 242-8 of this Part, if any, have changed; and

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: MARCH 1

**Condition 1-39: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR Subpart 242-8**

**Item 1-39.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000124-38-9 CARBON DIOXIDE

**Item 1-39.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Recordkeeping and Reporting (6NYCRR Part 242-8.5)

(a) General provisions. The CO2 authorized account representative shall comply with all recordkeeping and reporting requirements in this section, the applicable record keeping and reporting requirements under 40 CFR



75.73 and with the requirements of section 242-2.1(e) of this Part.

(b) Monitoring plans. The owner or operator of a CO<sub>2</sub> budget unit shall submit a monitoring plan in the manner prescribed in 40 CFR 75.62.

(c) Certification applications. The CO<sub>2</sub> authorized account representative shall submit an application to the department within 45 days after completing all CO<sub>2</sub> monitoring system initial certification or recertification tests required under section 242-8.2 of this Subpart including the information required under 40 CFR 75.63 and 40 CFR 75.53(e) and (f).

(d) Quarterly reports. The CO<sub>2</sub> authorized account representative shall submit quarterly reports, as follows:

(1) The CO<sub>2</sub> authorized account representative shall report the CO<sub>2</sub> mass emissions data and heat input data for the CO<sub>2</sub> budget unit, in an electronic format prescribed by the administrator unless otherwise prescribed by the department for each calendar quarter.

(2) The CO<sub>2</sub> authorized account representative shall submit each quarterly report to the department or its agent within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in subpart H of 40 CFR part 75 and 40 CFR 75.64. Quarterly reports shall be submitted for each CO<sub>2</sub> budget unit (or group of units using a common stack), and shall include all of the data and information required in subpart G of 40 CFR part 75, except for opacity, NO<sub>x</sub>, and SO<sub>2</sub> provisions.

(3) The CO<sub>2</sub> authorized account representative shall submit to the department or its agent a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

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

(ii) for a unit with add-on CO<sub>2</sub> emissions controls and for all hours where data are substituted in accordance with 40 CFR 75.34(a)(1), the add-on emissions controls were operating within the range of parameters listed in the quality assurance/quality control program under appendix B of 40 CFR part 75 and the substitute values do not systematically underestimate CO<sub>2</sub> emissions; and

(iii) the CO<sub>2</sub> concentration values substituted for



missing data under Subpart D of 40 CFR part 75 do not systematically underestimate CO2 emissions.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

**Condition 1-40: Compliance Demonstration**  
Effective between the dates of 05/19/2010 and 01/19/2011

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

**Item 1-40.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-40.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

(i) Submit to the department at least 30 days prior to the emission test a test protocol to be approved by the department detailing the Reference Method to be performed and all other required information contained in Subpart 202-1 of this Chapter.

(ii) Test the concentrations of the speciated mercury compounds in the stack (outlet).

(iii) Emission tests shall be conducted as follows:  
(a) One test shall be performed prior to August 1, 2008,

(b) A second test shall be performed prior to July 1, 2009. The source testing requirements contained in 246.8 satisfy this requirement.

(c) A final report containing the results of each emission test shall be submitted to the department in a form acceptable within 60 days after completion of each



emission test.

(iv) Fuel sampling. During each emission test, sampling of the mercury and chlorine content of the coal or solid coal- derived fuel shall be performed as outlined in the approved test protocol and the results of the fuel sampling shall be included in the final report submitted to the department

Reference Test Method: ASTM D6784-02

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-41: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 246.5 (b)**

**Item 1-41.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-41.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility-wide emission limit below is from Table 1 of 6NYCRR Part 246.5(a) and represents the allowable mercury emissions for each Mercury Reduction Program (MRP) facility for the control periods in 2010 through 2014.

The sum of mass mercury emissions (in pounds) from each applicable existing MRP unit at a MRP facility identified in Table 1 shall not exceed the facility-wide mercury emission limitation (in pounds per year) set forth in Table 1.

Upper Permit Limit: 12.0 pounds

Monitoring Frequency: CONTINUOUS

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

**Condition 1-42: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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



**Item 1-42.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-42.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.



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

**Condition 1-43: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-43.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-43.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-44: Recertification for CEMs**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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



**Item 1-44.1:**

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

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

**Condition 1-45: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

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

**Item 1-45.1:**

The Compliance Demonstration activity will be performed for the Facility.

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

**Item 1-45.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Notification of certification. The owner or operator of the Mercury Reduction Program (MRP) facility shall submit to the department, the EPA Region 2 Regional Office, and the Administrator written notice of the dates of certification testing, in accordance with section 246.10 which refers to 40 CFR Part 75.61. The notifications shall be made not later than 21 days prior to the first scheduled day of certification or recertification testing as required by 75.61(a)(1)(i).

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



required under 40 CFR 75.63.

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-46: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement: 6 NYCRR 246.8 (d)**

**Item 1-46.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-46.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Initial certification and recertification procedures for units using the Hg low mass emission excepted methodology under 40 CFR 75.81(b). The owner or operator of a unit qualified to use the Hg low mass emissions (HgLME) excepted methodology under 40 CFR 75.81(b) shall meet the applicable certification and recertification requirements in 40 CFR 75.81(c) through (f).

NOTE: All conditions in this permit related to mercury CEMS shall only apply if the facility cannot meet the mercury emission requirements of 40 CFR 75.81(b).

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION



**Condition 1-47: Missing Data Procedures and Out of Control Periods for CEMs**

Effective between the dates of 05/19/2010 and 01/19/2011

Applicable State Requirement:6 NYCRR 246.9 (a)

**Item 1-47.1:**

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

**Condition 1-48: Compliance Demonstration**

Effective between the dates of 05/19/2010 and 01/19/2011

Applicable State Requirement:6 NYCRR 246.11 (a)

**Item 1-48.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

**Item 1-48.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of a Mercury Reduction Program (MRP) facility shall comply with all record keeping requirements in 6NYCRR Part 246.11 and the applicable record keeping requirements of 40 CFR 75.84(a) through (c).

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-49: Compliance Demonstration**

Effective between the dates of 05/19/2010 and 01/19/2011

Applicable State Requirement:6 NYCRR 246.11 (b)

**Item 1-49.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6 MERCURY

**Item 1-49.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of a Mercury Reduction Program (MRP)

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facility shall comply with all reporting requirements in 6NYCRR Part 246.11 and the applicable reporting requirements of 40 CFR 75.84(d) through (f)

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

**Condition 1-50: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 246.11 (c)**

**Item 1-50.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-50.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-51: Compliance Demonstration**



Effective between the dates of 05/19/2010 and 01/19/2011

Applicable State Requirement:6 NYCRR 246.11 (d)

**Item 1-51.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-51.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

(1) Report the mercury mass emissions data and heat input data for the MRP unit in a hard copy format prescribed by the for each calendar quarter beginning with January 1, 2009 through March 31, 2009.

(2) Submit each quarterly report to the Department within 30 days following the end of the calendar quarter covered by the report. Quarterly reports shall be submitted in the manner specified in 40 CFR 75.84(f).

(3) For MRP units that are also subject to an Acid Rain emissions limitation, quarterly reports shall include the applicable data and information required by 40 CFR 75 Subparts F through H as applicable, in addition to the mercury mass emission data, heat input data, and other information required by sections 246.7 through 246.13 of this Part.

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

**Condition 1-52: Compliance Demonstration**

**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 246.11 (e)**

**Item 1-52.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007439-97-6      MERCURY

**Item 1-52.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners or operators of a Mercury Reduction Program (MRP) facility shall submit to the Department, a compliance certification in support of each quarterly report based on reasonable inquiry of those persons with primary responsibility for ensuring that all of the unit's emissions are correctly and fully monitored. The certification shall state that:

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

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

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

(b) With regard to a flue gas desulfurization system or a selective catalytic reduction system, quality-assured SO<sub>2</sub> emission data recorded in accordance with 40 CFR Part 75 document that the flue gas desulfurization system was operating properly, or quality-assured NO<sub>x</sub> emission data recorded in accordance

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with 40 CFR Part 75 document that the selective catalytic reduction system, was operating properly, as applicable, and

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

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

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

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

**Condition 1-53: Compliance Demonstration**  
**Effective between the dates of 05/19/2010 and 01/19/2011**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 1-53.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-COLPL

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 1-53.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The "OP-1000 Wood Yard Fuel Procedures" section of the "Niagara Generation LLC Operations Manual, Volume II - Operating Procedures" 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

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revision, and intended to be a guideline for proper management of wood fuel to minimize nuisance dust and transfer of fugitive material off-site.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2010.

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

