



PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 9-2912-00059/00013
Effective Date: 05/10/2005 Expiration Date: 05/09/2010

Permit Issued To: FORTISTAR NORTH TONAWANDA INC
1070 ERIE AVE
NORTH TONAWANDA, NY 14120

Contact: LEWIS L STALEY
LOCKPORT ENERGY ASSOC LP
5087 JUNCTION RD
LOCKPORT, NY 14094

Facility: FORTISTAR NORTH TONAWANDA INC
1070 ERIE AVE
NORTH TONAWANDA, NY 14120

Contact: DANIEL ROTUNNO
FORTISTAR NORTH TONAWANDA INC
1070 ERIE AVE
NORTH TONAWANDA, NY 14120
(716) 694-9874

Description:

Fortistar North Tonawanda
Title V Permit
Site Description

The Fortistar North Tonawanda (FNT) facility located in North Tonawanda, New York generates steam and electric power using a stationary gas turbine, heat recovery steam generator and steam turbine generator. Steam is provided to a host facility (Fortistar Greenhouses) where it is used for space heating. The net power output for the plant is approximately 63 megawatts (MW) which is sold to the local utility (Niagara Mohawk Power Corporation). A standby auxiliary boiler is used to supply heating and other process steam loads when the combustion turbine is typically off-line. A primary diesel engine is used to provide the facility operational electrical support and a secondary starting diesel is used to rotate the gas turbine to a speed at which it can be fired.

This permit is a renewal of the existing Title V permit.

The FNT facility has been configured into four Emission Units for the Title V Permit. Emission Unit U-00001 consists of a General Electric Model PG6541(B) 49-MW combined cycle gas turbine, heat



New York State Department of Environmental Conservation
Facility DEC ID: 9291200059

recovery steam generator, evaporative cooling systems, and a Cleaver Brooks 200-20-150 (10.5-MMBtu/hr) auxiliary boiler. Emission Unit U-00002 consists of a Caterpillar 3512 DITA (10.5-MMBtu/hr) Primary Diesel. Emission Unit U-00003 consists of a Detroit Diesel 12-VA-86629 (4.3-MBtu/hr) Secondary Diesel(starting motor). Emission Unit U-00004 consists of a Cleaver Brooks Steam Unit (49.5 MMBtu/hr) small boiler for operation when the combustion turbine is shut down.

Natural Gas is the primary fuel used at the facility, with No. 2 fuel oil as the backup for both the gas turbine and the auxiliary boiler and as the only fuel for the two diesel units.

Emission levels of nitrogen oxide (NOx), carbon monoxide (CO), and oxygen (O2) are monitored in the exhaust gas for the combustion turbine using a Continuous Emission Monitoring System (CEMS).

The combustion turbine is subject primarily to the New Source Performance Standards 40 CFR 60 Subpart GG and the Reasonably Available Control Technology (RACT) for Oxides of Nitrogen 6 NYCRR Part 227-2. The auxiliary boiler and the 49.5 MMBtu/hr steam unit are subject to 40 CFR 60 Subpart Dc with the latter unit also subject to the RACT provisions of 6 NYCRR Part 227-2 for small boilers. This Title V permit contains a complete listing of the applicable federal, state and compliance monitoring requirements for the facility, its emission units, processes and sources.

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

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

Authorized Signature: _____ Date: ____ / ____ / ____



Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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



LIST OF CONDITIONS

DEC GENERAL CONDITIONS

General Provisions

Facility Inspection by the Department

Relationship of this Permit to Other Department Orders and Determinations

Applications for Permit Renewals and Modifications

Permit Modifications, Suspensions and Revocations by the Department

Facility Level

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



DEC GENERAL CONDITIONS

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

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

GENERAL CONDITIONS - Apply to ALL Authorized Permits.

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

Item 1.1:

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

Item 1.2:

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

Item 1.3:

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

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

Item 2.1:

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

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

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:



New York State Department of Environmental Conservation
Facility DEC ID: 9291200059

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

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

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: 6NYCRR 621.5(a)

Item 5.1:

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Permit Under the Environmental Conservation Law (ECL)

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: FORTISTAR NORTH TONAWANDA INC
1070 ERIE AVE
NORTH TONAWANDA, NY 14120

Facility: FORTISTAR NORTH TONAWANDA INC
1070 ERIE AVE
NORTH TONAWANDA, NY 14120

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



LIST OF CONDITIONS

FEDERALLY ENFORCEABLE CONDITIONS

Facility Level

- 6 6NYCRR 201-6.5(c): Recordkeeping and reporting of compliance monitoring
- 7 6NYCRR 201-6.5(c)(2): Monitoring, Related Recordkeeping, and Reporting Requirements.
- 8 6NYCRR 201-6.5(c)(3)(ii): Compliance Certification
- 9 6NYCRR 201-6.5(e): Compliance Certification
- 10 6NYCRR 202-2.1: Compliance Certification
- 11 6NYCRR 202-2.5: Recordkeeping requirements
- 30 40CFR 68: Accidental release provisions.
- 31 40CFR 82, Subpart F: Recycling and Emissions Reduction
- 1 6NYCRR 201-6: Emission Unit Definition
- 2 6NYCRR 201-6: Compliance Certification
- 3 6NYCRR 201-6: Compliance Certification
- 4 6NYCRR 201-6: Compliance Certification
- 5 6NYCRR 201-6: Compliance Certification
- 12 6NYCRR 204-1.6: Permit requirements.
- 13 6NYCRR 204-2.1: Submissions to the Department.
- 14 6NYCRR 204-4.1: Contents of reports and compliance certifications.
- 15 6NYCRR 204-4.1: Discretionary report contents.
- 16 6NYCRR 204-4.1: Compliance Certification
- 17 6NYCRR 204-7.1: Submission of NOx allowance transfers.
- 18 6NYCRR 204-8.1: General provisions.
- 19 6NYCRR 204-8.1: Prohibitions.
- 20 6NYCRR 204-8.1: Requirements for installation, certification, and data accounting.
- 21 6NYCRR 204-8.2: Requirements for recertification of monitoring systems.
- 22 6NYCRR 204-8.3: Out of control periods.
- 23 6NYCRR 204-8.4: Compliance Certification
- 24 6NYCRR 204-8.7: Compliance Certification
- 25 40CFR 60.11, NSPS Subpart A: Opacity standard compliance testing.
- 26 40CFR 60.13, NSPS Subpart A: Monitoring requirements.
- 27 40CFR 60.40c, NSPS Subpart Dc: Compliance Certification
- 28 40CFR 60.333(b), NSPS Subpart GG: Compliance Certification
- 29 40CFR 60.333(b), NSPS Subpart GG: Compliance Certification

Emission Unit Level

- 32 6NYCRR 201-6: Emission Point Definition By Emission Unit
- 33 6NYCRR 201-6: Process Definition By Emission Unit

EU=U-00001

- 34 6NYCRR 227-1.3(a): Compliance Certification
- 35 40CFR 60.334, NSPS Subpart GG: Compliance Certification
- 36 40CFR 60.334(c)(1), NSPS Subpart GG: Compliance Certification

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



EU=U-00001,EP=00001

- 37 6NYCRR 201-6: Compliance Certification
- 38 6NYCRR 201-6: Compliance Certification
- 39 6NYCRR 201-6: Compliance Certification
- 40 6NYCRR 201-6: Compliance Certification
- 41 6NYCRR 201-6: Compliance Certification
- 42 6NYCRR 201-6: Compliance Certification
- 43 6NYCRR 201-6: Compliance Certification
- 44 6NYCRR 201-6: Compliance Certification

EU=U-00001,EP=00001,Proc=PO4,ES=00002

- 45 6NYCRR 201-6: Compliance Certification

EU=U-00002,EP=00002,Proc=PO7,ES=00003

- 46 6NYCRR 201-6: Compliance Certification
- 47 6NYCRR 201-6: Compliance Certification
- 48 6NYCRR 201-6: Compliance Certification

EU=U-00003,EP=00003,Proc=PO8,ES=00004

- 49 6NYCRR 201-6: Compliance Certification
- 50 6NYCRR 201-6: Compliance Certification
- 51 6NYCRR 201-6: Compliance Certification

STATE ONLY ENFORCEABLE CONDITIONS

Facility Level

- 52 ECL 19-0301: Contaminant List
 - 53 6NYCRR 201-1.4: Unavoidable noncompliance and violations
 - 54 6NYCRR 211.2: Air pollution prohibited
 - 55 6NYCRR 237-1.4(a): Applicable Facility, with a unit of a capacity of 25 MWe or greater
 - 56 6NYCRR 237-1.6(a): Permit Requirements
 - 57 6NYCRR 237-1.6(c): Compliance Demonstration
 - 58 6NYCRR 237-2: Authorization and responsibilities of the NOx authorized account representative
 - 59 6NYCRR 237-4.1: Compliance Demonstration
 - 60 6NYCRR 237-7.1: Submission of NOx allowance transfers
 - 61 6NYCRR 237-8: Compliance Demonstration
- 4931 - ELEC & OTHER SERVICES COMBINED

Permit Effective Date: 05/10/2005

Permit Expiration Date: 05/09/2010



FEDERALLY ENFORCEABLE CONDITIONS

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

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

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

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

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

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

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

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

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

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

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

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

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

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

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

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

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

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

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

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

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

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

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

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

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

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

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

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

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

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

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

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

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



renewal application.

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

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

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

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

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

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

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

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

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

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

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

Upon presentation of credentials and other documents, as

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

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

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

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

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

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

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



or corrective measures adopted.

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

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

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

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

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



contributing to such pollution;

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

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

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

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

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

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

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

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

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

Proceedings to reopen and issue Title V facility permits



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

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

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

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: Permit Exclusion - ECL 19-0305

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

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

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

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 6: Recordkeeping and reporting of compliance monitoring Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 6.1:

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.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 7: Monitoring, Related Recordkeeping, and Reporting Requirements.

Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 7.1:

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 8: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 8.1:

The Compliance Certification activity will be performed for the Facility.

Item 8.2:

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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 7/30/2005.

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

Condition 9: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010



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

Item 9.1:

The Compliance Certification activity will be performed for the Facility.

Item 9.2:

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.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

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

The address for the RAPCE is as follows:

270 Michigan Avenue
Buffalo, NY 14203-2999

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due on the same day each year

Condition 10: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 202-2.1

Item 10.1:

The Compliance Certification activity will be performed for the Facility.

Item 10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 11: Recordkeeping requirements
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 202-2.5

Item 11.1:

(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.

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 30: Accidental release provisions.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 68

Item 30.1:

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

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 31: Recycling and Emissions Reduction
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 82, Subpart F

Item 31.1:

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

FEDERAL APPLICABLE REQUIREMENTS

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

Condition 1: Emission Unit Definition
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 1.1:

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

Emission Unit: U-00001

Emission Unit Description:

CONSISTS OF THE FOLLOWING EMISSION SOURCES
EMITTING TO THE SAME EMISSION POINT
(00001): EMISSION SOURCE ID ES0001: 49-MW
COMBINED CYCLE GAS TURBINE & HEAT RECOVERY
STEAM GENERATOR. EMISSION SOURCE ID
ES0002: 10.5 MMBTU/HR HEAT INPUT AUXILIARY
BOILER. NOTE: TURBINE AND AUXILIARY BOILER



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

SHARE A COMMON STACK EP 00001. UNITS ARE LOCATED ON THE FIRST FLOOR OF POWERHOUSE BUILDING.

Building(s): POWERHOUSE

Item 1.2:

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

Emission Unit: U-00002

Emission Unit Description:

EMISSION SOURCE ID ES0003: 10.5 MMBTU/HR
PRIMARY DIESEL GENERATOR. UNIT IS LOCATED
ON FIRST FLOOR OF POWERHOUSE BLDG.

Building(s): POWERHOUSE

Item 1.3:

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

Emission Unit: U-00003

Emission Unit Description:

EMISSION SOURCE ID ES0004: 4.3 MMBTU/HR
SECONDARY DIESEL (STARTING MOTOR). EMISSION
UNIT U00003 IS LOCATED ON FIRST FLOOR OF
POWERHOUSE BLDG.

Building(s): POWERHOUSE

Item 1.4:

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

Emission Unit: U-00004

Emission Unit Description:

EMISSION SOURCE ID ES0006: 49.5 MMBTU/HR
CLEAVER BROOKS STEAM UNIT SUBJECT TO THE
APPLICABLE PROVISIONS OF 40 CFR 60 SUBPART
Dc AND 6 NYCRR PART 227-2 NO_x RACT FOR
SMALL BOILER DESIGNATION. THIS UNIT WILL
OPERATE ONLY WHEN THE COMBUSTION TURBINE IS
IN A SHUT DOWN MODE. THE BOILER IS FITTED
WITH LOW NO_x BURNERS AND INTEGRATED
COMBUSTION TECHNOLOGY.

Building(s): POWERHOUSE

Condition 2:

Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Item 2.1:

The Compliance Certification activity will be performed for the Facility.

Item 2.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSION LIMITS PROVIDED IN THIS APPLICATION APPLY AT ALL LOADS OF OPERATION, EXCEPT DURING PERIODS OF STARTUP, MALFUNCTION (AS DEFINED IN PT 201.5(D)) AND SHUTDOWN (NOT TO EXCEED 3 HRS PER OCCURRENCE, 3 HRS FOR EACH STARTUP, 3 HRS EACH SHUTDOWN).

ALL EMISSION LIMITS BASED ON HEAT INPUT CORRESPOND TO THE HIGHER HEATING VALUE (HHV) OF FUEL BURNED AND ARE BASED ON A ONE-HOUR AVERAGE.

WHEN FIRING BOTH OIL AND GAS IN THE SAME HOUR, THE HIGHER EMISSION LIMITATION FOR OIL OR GAS FIRING WILL BE USED FOR THE ONE-HOUR AVERAGE.

THE GAS TURBINE AND AUXILIARY BOILER SHALL FIRE ONLY NATURAL GAS OR NO. 2 FUEL OIL (OR NO.1 FUEL OIL). WHENEVER REFERENCE IS MADE TO NO. 2 FUEL OIL NO. 1 FUEL OIL CAN ALSO BE SUBSTITUTED. THE PRIMARY DIESEL & SECONDARY DIESEL SHALL FIRE ONLY NO. 2 FUEL OIL.

THE AUXILIARY BOILER, PRIMARY DIESEL & SECONDARY DIESEL MAY NOT OPERATE SIMULTANEOUSLY, EITHER TOGETHER OR IN ANY COMBINATION, WITH THE GAS TURBINE EXCEPT DURING PERIODS OF STARTUP, TESTING & SHUTDOWN. TESTING OF AUX BOILER, PRIMARY DIESEL, SECONDARY DIESEL IS LIMITED TO 24 HOURS EACH UNIT PER CALENDAR YEAR.

ALL COPIES OF REPORTS AND NOTIFICATIONS REQUIRED UNDER THIS PERMIT MUST BE SUBMITTED TO THE NYSDEC REGION 9 OFFICE,

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



THE NYSDEC ALBANY CENTRAL OFFICE AND THE
USEPA REGION II OFFICE AT THE FOLLOWING
ADDRESSES:

NYSDEC REGION 9 OFFICE
ATTN: AIR QUALITY ENGINEER
270 MICHIGAN AVENUE
BUFFALO, NY 14203-2999

NYSDEC BUREAU OF COMPLIANCE MONITORING
AND ENFORCEMENT
50 WOLF ROAD
ALBANY, NY 12233

DIRECTOR, DIVISION OF ENFORCEMENT AND
COMPLIANCE ASSISTANCE
USEPA REGION II OFFICE
290 BROADWAY AVENUE
NY, NY 10007-1886

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 3: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 3.1:
The Compliance Certification activity will be performed for the Facility.

Item 3.2:
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
Monitoring Description:

GAS TURBINE MAY FIRE ON NO. 2 OIL ONLY
WHILE OPERATING AT 100% LOAD.

GAS TURBINE MAY OPERATE AT PARTIAL LOADS
BETWEEN 80% AND 100% ONLY WHILE FIRING
NATURAL GAS.

THE GAS TURBINE MAY NOT OPERATE BELOW 80%



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

LOAD WHILE FIRING NATURAL GAS & BELOW 100% (BASE) LOAD WHILE FIRING OIL, EXCEPT DURING PERIODS OF STARTUP, MALFUNCTION (DEFINED IN 6 NYCRR 201.5(D)) & SHUTDOWN. BASE LOAD CORRESPONDS TO THE MW OUTPUT SHOWN IN FIGURES 5 AND 6 (DATED 9/3/2004 ATTACHED TO THIS PERMIT) WHICH CORRELATE MW OUTPUT TO THE AMBIENT TEMPERATURE (GAS FIRING @ 48 DEG. F. IS APPROXIMATELY 49 MW). 80% LOAD CORRESPONDS TO THE MW OUTPUT SHOWN FIGURE 5 WHICH CORRELATES MW OUTPUT TO THE AMBIENT TEMPERATURE (GAS FIRING @ 48 DEG. F. IS APPROXIMATELY 38.8 MW).

WHEN TURBINE IS OPERATING AT PARTIAL LOAD, AUXILIARY BOILER SHALL NOT OPERATE.

FOR THE TURBINE ON LINE WATER WASHES USING ISOPROPANOL AND/OR AQUEOUS DETERGENT SOLUTION MAY BE CONDUCTED AS REQUIRED FOR PERIODIC MAINTENANCE PURPOSES. EXCEEDANCE OF CO LIMITS DURING THESE WASHES WILL NOT BE CONSIDERED A VIOLATION OF THIS PERMIT.

Monitoring Frequency: CONTINUOUS

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 4: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 4.1:

The Compliance Certification activity will be performed for the Facility.

Item 4.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

FACILITY MUST CONTINUOUSLY MEASURE AMBIENT TEMPERATURE WITHIN +/- 3 DEG. F.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



A SUMMARY OF THE EMISSION LIMITS AND OPERATING RESTRICTIONS OF THIS PERMIT MUST BE POSTED IN THE CONTROL ROOM OF THE FACILITY AND MUST BE PLAINLY VISIBLE (WITHOUT OBSTRUCTIONS) TO THE OPERATOR OF THE FACILITY.

FACILITY MUST MONITOR AND RECORD THE TYPE AND AMOUNT OF FUEL BURNED IN THE TURBINE, PRIMARY DIESEL, SECONDARY DIESEL AND AUXILIARY BOILER ACCURATE WITHIN +/- 5 %. ANNUAL (CALENDAR YEAR) REPORTING FOR FUEL USE IS REQUIRED PER THE SPECIFIC FUEL USE CONDITIONS IN THIS PERMIT.

THE FACILITY SHALL BE ACCESSIBLE TO NYSDEC PERSONNEL FOR ROUTINE INSPECTIONS DURING REASONABLE BUSINESS HOURS AND AT ANY TIME IF THERE IS CAUSE TO BELIEVE THAT THE FACILITY IS NOT IN COMPLIANCE.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 5: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

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:

FACILITY SHALL INSTALL, CALIBRATE, MAINTAIN AND OPERATE A CONTINUOUS MONITORING AND RECORDING SYSTEM TO MEASURE NO_x, CO AND O₂ IN THE TURBINE STACK. IN ADDITION THE FACILITY MUST CONTINUOUSLY CALCULATE THE STACK GAS VOLUMETRIC FLOW RATE FOR THE GAS TURBINE. THE CALCULATED STACK VOLUMETRIC FLOW

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



RATE SHALL BE USED TO DETERMINE AND RECORD THE MASS EMISSION RATES CORRESPONDING TO THE CEM MEASURED DATA.

FACILITY SHALL MAINTAIN A FILE OF ALL MEASUREMENTS, INCLUDING CEM SYSTEM PERFORMANCE EVALUATIONS, CALIBRATION CHECKS, AS WELL AS ADJUSTMENTS AND MAINTENANCE AND OTHER INFORMATION REQUIRED BY 40CFR60, IN A PERMANENT FORM SUITABLE FOR INSPECTION. THE FILE SHALL BE RETAINED FOR AT LEAST FIVE (5) YEARS FOLLOWING THE DATE OF SUCH MEASUREMENT, MAINTENANCE, REPORTS AND RECORDS.

FACILITY SHALL SUBMIT A QUARTERLY WRITTEN CEM REPORT TO NYSDEC FOR EVERY CALENDAR YEAR QUARTER AND SHALL INCLUDE:

A SUMMARY OF EXCESS EMISSIONS AND CEM DOWNTIME REPORTED IN ACCORDANCE WITH 40 CFR 60.7 (OR EQUIVALENT) AND THE RESULTS OF THE QUARTERLY MONITORING PERFORMANCE AUDIT REPORTED IN ACCORDANCE WITH 40CFR60 APPENDIX F (OR EQUIVALENT).

EXCESS EMISSIONS SHALL BE IDENTIFIED AS ANY ONE-HOUR BLOCK PERIOD DURING WHICH THE AVERAGE EMISSIONS OF NO_x OR CO, AS MEASURED BY THE CEM SYSTEM, EXCEED THE CORRESPONDING MASS OR CONCENTRATION EMISSION LIMITS IN THIS PERMIT.

FOR THE PURPOSE OF THIS PERMIT, EXCESS EMISSIONS INDICATED BY THE CEM SYSTEM FOR THE ONE HOUR BLOCK PERIODS OTHER THAN STARTUPS, SHUTDOWNS AND MALFUNCTIONS MAY BE CONSIDERED VIOLATIONS OF THE APPLICABLE EMISSION LIMITS.

Monitoring Frequency: CONTINUOUS
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

Condition 12: Permit requirements.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-1.6

Item 12.1: The NOx authorized account representative of each NOx budget unit shall submit to the Department a complete NOx Budget permit application (as defined under Section 204-3.3) by May 1, 2002 or 12 months before the date on which the NOx Budget unit commences operation.

Condition 13: Submissions to the Department.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-2.1

Item 13.1: Each submission under the NOx Budget Trading Program shall be submitted, signed and certified by the NOx authorized account representative for each NOx Budget source on behalf of which the submission is made. Each submission shall include a certification statement (as stated in paragraph 204-2.4(a)(4)) by the NOx authorized account representative.

Condition 14: Contents of reports and compliance certifications.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 14.1: 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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 15: Discretionary report contents.

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 15.1: 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 16: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-4.1

Item 16.1:

The Compliance Certification activity will be performed for the Facility.

Item 16.2:

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Condition 17: Submission of NO_x allowance transfers.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-7.1

Item 17.1: The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the Administrator. To be considered correctly submitted, the NO_x allowance transfer shall include the following elements in a format specified by the Administrator:

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

Condition 18: General provisions.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 18.1: The owners and operators, and to the extent applicable, the NO_x authorized account representative of a NO_x 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 "NO_x Budget unit," "NO_x authorized account representative," and "continuous emission monitoring system" (or "CEMS"), respectively, as defined in Section 204-1.2.

Condition 19: Prohibitions.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 19.1: No owner or operator of a NO_x Budget unit or a non-NO_x 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, NO_x emissions to the atmosphere without accounting for all such emissions in accordance with the applicable provisions of this Subpart and 40 CFR Part 75 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 NO_x 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,



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 20: Requirements for installation, certification, and data accounting.

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.1

Item 20.1: 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 21: Requirements for recertification of monitoring systems.

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.2

Item 21.1: 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.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Condition 22: Out of control periods.

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.3

Item 22.1: 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 23: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.4

Item 23.1:

The Compliance Certification activity will be performed for the Facility.

Item 23.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

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

The address for the USEPA Administrator is as follows:

USEPA Clean Air Markets Division
1200 Pennsylvania Avenue, NW

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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 24: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 204-8.7

Item 24.1:

The Compliance Certification activity will be performed for the Facility.

Item 24.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a unit that elects to monitor
and report NO_x Mass emissions using a NO_x concentration
system and a flow system shall also monitor and report



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

heat input at the unit level using the procedures set forth in 40 CFR Part 75.

Monitoring Frequency: HOURLY
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 25: Opacity standard compliance testing.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.11, NSPS Subpart A

Item 25.1:

The following conditions shall be used to determine compliance with the opacity standards:

- 1) observations shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60 (or an equivalent method approved by the Administrator including continuous opacity monitors);
- 2) the opacity standards apply at all times except during periods of start up, shutdown, and malfunction; and
- 3) all other applicable conditions cited in section 60.11 of this part.

Condition 26: Monitoring requirements.
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.13, NSPS Subpart A

Item 26.1:

All continuous monitoring systems and devices shall be installed, calibrated, maintained, and operated in accordance with the requirements of section 60.13.

Condition 27: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.40c, NSPS Subpart Dc

Item 27.1:

The Compliance Certification activity will be performed for the Facility.

Item 27.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Monitoring Description:

THIS FACILITY IS SUBJECT TO THE APPLICABLE GENERAL PROVISIONS OF 40 CFR 60 SUBPART Dc. THE FACILITY OWNER IS RESPONSIBLE FOR REVIEWING THESE GENERAL PROVISIONS IN DETAIL AND COMPLYING WITH ALL APPLICABLE TECHNICAL, ADMINISTRATIVE AND REPORTING REQUIREMENTS. SPECIFICALLY, EMISSION SOURCE ID ES0002, 10.5 MMBTU/HR HEAT INPUT AUXILIARY BOILER IN EMISSION UNIT U-00001, AND EMISSION SOURCE ID ES0006, 49.5 MMBTU/HR CLEAVER BROOKS STEAM UNIT IN EMISSION UNIT U-00004 MUST COMPLY WITH THESE REQUIREMENTS.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 28: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.333(b), NSPS Subpart GG

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: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

SULFUR CONTENT OF FUEL BURNED AT FACILITY WILL NOT EXCEED 0.27% BY WEIGHT. SULFUR CONTENT LIMIT IN 40CFR PT 60 SUBPART GG IS 0.8% BY WEIGHT; FACILITY MEETS BOTH LIMITS. THIS RULE CITATION IS FOR NO. 2 FUEL OIL FIRING.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.27 percent by weight

Reference Test Method: ASTM D129-95

Monitoring Frequency: PER DELIVERY



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 29: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.333(b), NSPS Subpart GG

Item 29.1:

The Compliance Certification activity will be performed for the Facility.

Item 29.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

SULFUR CONTENT OF FUEL BURNED AT
FACILITY WILL NOT EXCEED 0.27% BY WEIGHT.
SULFUR CONTENT LIMIT IN 40CFR PT 60
SUBPART GG IS 0.8% BY WEIGHT; FACILITY
MEETS BOTH LIMITS. THIS RULE CITATION IS
FOR NATURAL GAS FIRING.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NATURAL GAS

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.27 percent by weight

Reference Test Method: ASTM D1072-80

Monitoring Frequency: SEMI-ANNUALLY

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

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

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

Condition 32: Emission Point Definition By Emission Unit

Effective between the dates of 05/10/2005 and 05/09/2010

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Applicable Federal Requirement: 6NYCRR 201-6

Item 32.1:

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

Emission Unit: U-00001

Emission Point: 00001

Height (ft.): 165

Diameter (in.): 126

NYTMN (km.): 4773.42

NYTME (km.): 185.729

Building: POWERHOUSE

Item 32.2:

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

Emission Unit: U-00002

Emission Point: 00002

Height (ft.): 68

Diameter (in.): 17

NYTMN (km.): 4773.42

NYTME (km.): 185.729

Building: POWERHOUSE

Item 32.3:

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

Emission Unit: U-00003

Emission Point: 00003

Height (ft.): 71

Diameter (in.): 14

NYTMN (km.): 4773.42

NYTME (km.): 185.729

Building: POWERHOUSE

Item 32.4:

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

Emission Unit: U-00004

Emission Point: 00004

Height (ft.): 74

Diameter (in.): 42

NYTMN (km.): 4773.42

NYTME (km.): 185.729

Building: POWERHOUSE

Condition 33: Process Definition By Emission Unit

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 33.1:

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Emission Unit: U-00001

Process: PO1

Source Classification Code: 2-02-002-01

Process Description:

OPERATING SOURCE(S): ES0001, 49MW GE FRAME 6 COMBUSTION TURBINE (CT) AND ES0002, 10.5 MMBTU/HR HEAT INPUT AUXILIARY BOILER (AUXBOIL). THESE SOURCES ARE FIRED WITH EITHER NATURAL GAS OR NO. 2 FUEL OIL IN ANY OF THE FOLLOWING OPERATING SCENARIOS A THRU F:

A. CT ALONE FIRING GAS ONLY (80% THRU 100% LOAD)

B. CT ALONE FIRING OIL ONLY

C. CT ALONE FIRING A MIXTURE OF OIL/GAS

D. CT FIRING GAS AND AUXBOIL FIRING OIL OR GAS

E. CT FIRING OIL AND AUXBOIL FIRING OIL OR GAS

F. CT FIRING A MIXTURE OF OIL/GAS AND AUXBOIL FIRING OIL OR GAS

Emission Source/Control: 00002 - Combustion

Design Capacity: 10.5 million Btu per hour

Emission Source/Control: 00001 - Control

Control Type: STEAM INJECTION

Item 33.2:

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

Emission Unit: U-00001

Process: PO3

Source Classification Code: 1-02-006-02

Process Description:

OPERATING SOURCE(S): ES0002, 10.5 MMBTU/HR HEAT INPUT AUXILIARY BOILER. PROCESS PO3 AUXILIARY BOILER IS FIRED ON NATURAL GAS ONLY. COMBUSTION TURBINE, ES0001, IS NOT IN OPERATION.

Emission Source/Control: 00002 - Combustion

Design Capacity: 10.5 million Btu per hour

Item 33.3:

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Emission Unit: U-00001

Process: PO4

Source Classification Code: 1-02-005-01

Process Description:

OPERATING SOURCE(S): ES0002 10.5 MMBTU/HR
HEAT INPUT AUXILIARY BOILER. PROCESS PO4
AUXILIARY BOILER IS FIRED ON NO. 2 FUEL
OIL. COMBUSTION TURBINE, ES0001, IS NOT IN
OPERATION.

Emission Source/Control: 00002 - Combustion

Design Capacity: 10.5 million Btu per hour

Item 33.4:

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

Emission Unit: U-00002

Process: PO7

Source Classification Code: 2-01-001-02

Process Description:

OPERATING SOURCE: ES00003, 10.5-MMBTU/HR
PRIMARY DIESEL GENERATOR. PROCESS PO7 IS
FIRED ONLY ON NO. 2 FUEL OIL.

Emission Source/Control: 00003 - Combustion

Design Capacity: 10.5 million Btu per hour

Item 33.5:

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

Emission Unit: U-00003

Process: PO8

Source Classification Code: 2-01-001-02

Process Description:

OPERATING SOURCE: ES0004, 4.3-MMBTU/HR
SECONDARY DIESEL. PROCESS PO8 IS FIRED ON
NO. 2 FUEL OIL ONLY.

Emission Source/Control: 00004 - Combustion

Design Capacity: 4.3 million Btu per hour

Item 33.6:

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

Emission Unit: U-00004

Process: P09

Source Classification Code: 2-01-001-02

Process Description:

OPERATING SOURCE: ES0006, 49.5 MMBTU/HR
STEAM BOILER. PROCESS P09 IS FIRED ON
NATURAL GAS ONLY.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Emission Source/Control: 00006 - Combustion

Design Capacity: 49.5 million Btu per hour

Condition 34: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 34.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 34.2:

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 ALSO APPLIES TO EMISSION
UNIT U-00002 (PRIMARY DIESEL) AND
EMISSION UNIT U-00003 (SECONDARY DIESEL).
COMPLIANCE WITH THIS REQUIREMENT SHALL
BE DETERMINED BY THE FACILITY
OWNER/OPERATOR BY IDENTIFYING ANY VISIBLE
EMISSIONS AND TAKING CORRECTIVE ACTION
APPROPRIATE FOR THE SOURCE.

WHILE THE TURBINE AND/OR AUXILIARY BOILER
ARE FIRING OIL THE FACILITY SHALL BE
REQUIRED TO PERFORM THE FOLLOWING:

- 1) ONCE PER DAY, DURING DAYLIGHT HOURS
EXCEPT DURING CONDITIONS OF EXTREME
WEATHER (FOG, SNOW, RAIN), OBSERVE THE
STACK OF EMISSION POINT 00001 FOR VISIBLE
EMISSIONS (VISIBLE EMISSIONS DO NOT
INCLUDE STEAM PLUMES)
- 2) RECORD IN A BOUND LOG BOOK THE DAILY
RESULTS OF THE VISIBLE OBSERVATION - WERE

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



THERE VISIBLE EMISSIONS OBSERVED - YES OR NO, INCLUDING EXPLANATIONS FOR DAYS WHEN WEATHER CONDITIONS PROHIBIT SUCH OBSERVATIONS OF VISIBLE EMISSIONS

3) MAINTAIN THE DATA IN THIS LOG BOOK FOR FIVE YEARS

IF THE OPERATOR OBSERVES ANY VISIBLE EMISSIONS (OTHER THAN STEAM) TWO DAYS CONSECUTIVELY FIRING OIL, A METHOD 9 ANALYSIS OF THE EMISSION POINT SHALL BE CONDUCTED WITHIN TWO BUSINESS DAYS OF THE OCCURRENCE. THE OPERATOR MUST CONTACT THE REGIONAL AIR POLLUTION CONTROL ENGINEER WITHIN ONE BUSINESS DAY OF PERFORMING THE METHOD 9 ANALYSIS, IF THE READINGS SHOW AN EXCEEDENCE OF THE REQUIRED STANDARDS FOR 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 35: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.334, NSPS Subpart GG

Item 35.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Item 35.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



FACILITY MUST MONITOR FUEL SULFUR AND NITROGEN ON A PER DELIVERY BASIS FOR NO. 2 FUEL OIL. FUEL SAMPLING OF NATURAL GAS IS NOT REQUIRED IF THR NATURAL GAS COMBUSTED MEETS THE DEFINITION OF NATURAL GAS AS STATED IN 40CFR331(u). RECORDS OF FUEL ANALYSIS SHALL BE RETAINED FOR A PERIOD OF (5) YEARS.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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

Condition 36: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 40CFR 60.334(c)(1), NSPS Subpart GG

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001

Regulated Contaminant(s):

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

Item 36.2:

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

FOR THE PURPOSE OF REPORTS REQUIRED UNDER 40CFR60.7(c), PERIODS OF EXCESS EMISSIONS THAT SHALL BE REPORTED ARE DEFINED AS FOLLOWS:

(A) EACH NOX CEMS MUST MEET THE APPLICABLE REQUIREMENTS OF 40 CFR 60.13, APPENDIX B, AND APPENDIX F FOR CERTIFYING, MAINTAINING, OPERATING AND ASSURING QUALITY OF THE SYSTEM.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



(B) EACH NOX CEMS MUST BE CAPABLE OF CALCULATING NOX EMISSIONS CONCENTRATIONS CORRECTED TO 15% O₂ AND ISO CONDITIONS.

(C) MONITOR DATA AVAILABILITY SHALL BE NO LESS THAN 95% ON THE QUARTERLY BASIS.

(D) NOX CEMS SHALL PROVIDE 4 DATA POINTS (15 MINUTE AVERAGE EACH) FOR EACH HOUR AND CALCULATE A 1-HOUR AVERAGE.

(E) THE OWNER OR OPERATOR OF A NOX CEMS SHALL SUBMIT AN EXCESS EMISSIONS (CALCULATED ACCORDING TO THE REQUIREMENT OF 40 CFR 60.13.(h)) AND MONITORING SYSTEMS PERFORMANCE REPORT FORM TO THE ADMINISTRATOR ON A QUARTERLY BASIS, IF EXCESS EMISSIONS ARE DETERMINED, OR SEMIANNUALLY. THE REPORT SHALL BE POSTMARKED BY THE 30TH DAY FOLLOWING THE END OF EACH REPORTING PERIOD. WRITTEN REPORTS SHALL INCLUDE INFORMATION REQUIRED IN PARAGRAPHS 40CFR60.7(c)&(d).

(F) RECORDKEEPING REQUIREMENTS SHALL FOLLOW THE REQUIREMENTS SPECIFIED IN 40 CFR 60.7.

Parameter Monitored: OXIDES OF NITROGEN
Lower Permit Limit: 0 parts per million by volume (dry, corrected to 15% O₂)
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 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 37: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Applicable Federal Requirement: 6NYCRR 201-6

Item 37.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

FUEL OIL USE IN THE COMBUSTION TURBINE
IS LIMITED TO 1440 HOURS PER YEAR.

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 38: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 38.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Item 38.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSIONS AUX. BOILER (PROCESS PO3) GAS
FIRING

NOX: 0.12 LB/MMBTU & 1.26 LB/HR

CO: 0.151 LB/MMBTU & 1.58

LB/HR

PM,PM-10: 0.011 LB/MMBTU & 0.11

LB/HR

VOC: 0.012 LB/MMBTU & 0.126

LB/HR

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



EMISSIONS AUX. BOILER (PROCESS PO4) OIL
FIRING

NOX: 0.187 LB/MMBTU & 1.96 LB/HR

CO: 0.071 LB/MMBTU & 0.74

LB/HR

PM,PM-10: 0.021 LB/MMBTU & 0.22

LB/HR

VOC: 0.02 LB/MMBTU & 0.21

LB/HR

RECORDS OF INITIAL COMPLIANCE TEST
INDICATE COMPLIANCE WITH THE ABOVE
EMISSION LIMITS. COMPLIANCE MONITORING
WITH THESE EMISSION LIMITS MUST BE
DEMONSTRATED BY INTERMITTENT STACK
TESTING TO BE CONDUCTED AT THE REQUEST OF
THIS AGENCY.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 39: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

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

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

STACK EMISSIONS OF OXIDES OF NITROGEN
FOR COMBUSTION TURBINE (CT) FIRING ALONE
OR IN COMBINATION WITH THE AUXILIARY
BOILER (AUXBOIL) FOR PROCESS PO1 UNDER
THE FOLLOWING OPERATING SCENARIOS:

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



B: CT ALONE FIRING OIL ONLY
C: CT ALONE FIRING A MIXTURE OF OIL/GAS
E: CT FIRING OIL AND AUXBOIL FIRING OIL OR GAS
F: CT FIRING A MIXTURE OF OIL/GAS AND AUXBOIL FIRING OIL OR GAS

THE FACILITY SHALL MAINTAIN CONTINUOUS EMISSIONS MONITORING (CEM) & RECORDING SYSTEM TO MEASURE CONCENTRATIONS OF NOX, CO AND O2 IN THE TURBINE STACK.

STACK EMISSIONS FOR NOX COMPLY WITH 6NYCRR 227-2.4(e)(2)(ii).

NOTE: MASS EMISSION LIMITS FOR OXIDES OF NITROGEN APPLY. FIGURE 1 (PLOT 1-1) AND FIGURE 3 (PLOT 3-1), BOTH ATTACHED TO THIS PERMIT, CORRELATE MASS EMISSION LIMITS TO AMBIENT TEMPERATURE AND FUEL TYPE.

Manufacturer Name/Model Number: HORIBA CMA-331A
Parameter Monitored: OXIDES OF NITROGEN
Upper Permit Limit: 44 parts per million by volume (dry, corrected to 15% O2)
Reference Test Method: 40CFR60 APP A M7E,20
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 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 40: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 40.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

STACK EMISSIONS OF OXIDES OF NITROGEN
FOR COMBUSTION TURBINE (CT) FIRING ALONE
OR IN COMBINATION WITH THE AUXILIARY
BOILER (AUXBOIL) FOR PROCESS PO1 UNDER
THE FOLLOWING OPERATING SCENARIOS:

A: CT ALONE FIRING GAS ONLY (80% THRU
100% LOAD)

D: CT FIRING GAS AND AUXBOIL FIRING OIL
OR GAS

THE FACILITY SHALL MAINTAIN CONTINUOUS
EMISSIONS MONITORING (CEM) & RECORDING
SYSTEM TO MEASURE CONCENTRATIONS OF NOX,
CO AND O2 IN THE TURBINE STACK.

STACK EMISSIONS FOR NOX COMPLY WITH
6NYCRR 227-2.4(e)(2)(ii).

NOTE: MASS EMISSION LIMITS FOR OXIDES OF
NITROGEN APPLY. FIGURE 1 (PLOT 1-2) AND
FIGURE 3 (PLOT 3-2), BOTH ATTACHED TO
THIS PERMIT, CORRELATE MASS EMISSION
LIMITS TO AMBIENT TEMPERATURE AND FUEL
TYPE. WHEN THE TURBINE IS OPERATING
BETWEEN 80% AND 100% LOAD, THE MASS
EMISSION RATE SHALL BE DETERMINED BY THE
100% LOAD.

Manufacturer Name/Model Number: HORIBA CMA-331A

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 25 parts per million by volume (dry,
corrected to 15% O2)

Reference Test Method: 40CFR60 APP A M7E,20

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 7/30/2005.

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

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Condition 41: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

STACK EMISSIONS OF CARBON MONOXIDE FOR
COMBUSTION TURBINE (CT) FIRING ALONE OR
IN COMBINATION WITH THE AUXILIARY BOILER
(AUXBOIL) FOR PROCESS PO1 UNDER THE
FOLLOWING OPERATING SCENARIOS:

B: CT ALONE FIRING OIL ONLY
E: CT FIRING OIL AND AUXBOIL FIRING OIL
OR GAS

THE FACILITY SHALL MAINTAIN CONTINUOUS
EMISSIONS MONITORING (CEM) & RECORDING
SYSTEM TO MEASURE CONCENTRATIONS OF NOX,
CO AND O2 IN THE TURBINE STACK.

NOTE: MASS EMISSION LIMITS FOR CARBON
MONOXIDE APPLY. FIGURE 2 (PLOT 2-2) AND
FIGURE 4 (PLOT 4-2), BOTH ATTACHED TO
THIS PERMIT, CORRELATE MASS EMISSION
LIMITS TO AMBIENT TEMPERATURE AND FUEL
TYPE.

Manufacturer Name/Model Number: HORIBA CMA-331A

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 10 parts per million by volume (dry,
corrected to 15% O2)

Reference Test Method: 40CFR60 APP A M10

Monitoring Frequency: CONTINUOUS



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Averaging Method: 1-HOUR AVERAGE
Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

Condition 42: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 42.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Item 42.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSIONS TURBINE FIRING GAS
(ONLY)
PROCESS PO1 - OPERATING SCENARIO A
VOC: 0.002 LB/MMBTU & 1.0
LB/HR
PM,PM-10: 0.005 LB/MMBTU & 2.5
LB/HR

EMISSIONS TURBINE FIRING OIL OR A MIXTURE
OF OIL AND GAS
PROCESS PO1 - OPERATING SCENARIOS B & C

VOC: 0.005 LB/MMBTU & 2.5
LB/HR
PM,PM-10: 0.031 LB/MMBTU & 17.0
LB/HR

RECORDS OF INITIAL PERFORMANCE TEST
INDICATE COMPLIANCE WITH THE ABOVE
EMISSION LIMITS. COMPLIANCE MONITORING
OF THESE EMISSION LIMITS MUST BE
DEMONSTRATED BY INTERMITTENT STACK
TESTING TO BE CONDUCTED AT THE REQUEST OF
THIS AGENCY.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 43: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 43.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

Item 43.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

STACK EMISSIONS OF CARBON MONOXIDE FOR COMBUSTION TURBINE (CT) FIRING ALONE OR IN COMBINATION WITH THE AUXILIARY BOILER (AUXBOIL) FOR PROCESS PO1 UNDER THE FOLLOWING OPERATING SCENARIOS:

A: CT ALONE FIRING GAS ONLY (80% THRU 100% LOAD)

C: CT ALONE FIRING A MIXTURE OF OIL/GAS

D: CT FIRING GAS AND AUXBOIL FIRING OIL OR GAS

F: CT FIRING A MIXTURE OF OIL/GAS AND AUXBOIL FIRING OIL OR GAS

THE FACILITY SHALL MAINTAIN CONTINUOUS EMISSIONS MONITORING (CEM) & RECORDING SYSTEM TO MEASURE CONCENTRATIONS OF NOX, CO AND O2 IN THE TURBINE STACK.

NOTE: MASS EMISSION LIMITS FOR CARBON MONOXIDE APPLY. FIGURE 2 (PLOT 2-1) AND FIGURE 4 (PLOT 4-1), BOTH ATTACHED TO THIS PERMIT, CORRELATE MASS EMISSION LIMITS TO AMBIENT TEMPERATURE AND FUEL TYPE. WHEN THE TURBINE IS OPERATING



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

BETWEEN 80% AND 100% LOAD, THE MASS EMISSION RATE SHALL BE DETERMINED BY THE 100% LOAD.

Manufacturer Name/Model Number: HORIBA CMA-331A

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 40 parts per million by volume (dry, corrected to 15% O₂)

Reference Test Method: 40CFR60 APP A M10

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 7/30/2005.

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

Condition 44: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 44.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001

Item 44.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

TOTAL FUEL OIL USAGE IN THE GAS TURBINE SHALL NOT EXCEED 5.9 MILLION GALLONS/YEAR.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: NUMBER 2 OIL

Upper Permit Limit: 5900000 gallons per year

Monitoring Frequency: DAILY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2006.

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

Condition 45: Compliance Certification



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 45.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00001 Emission Point: 00001
Process: PO4 Emission Source: 00002

Item 45.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:
TOTAL FUEL OIL USAGE IN THE AUXILIARY
BOILER SHALL NOT EXCEED 685,000
GALLONS/YEAR.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: NUMBER 2 OIL
Upper Permit Limit: 685000.0 gallons per year
Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 46: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 46.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: PO7 Emission Source: 00003

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

TOTAL FUEL OIL USAGE FOR THE PRIMARY
DIESEL SHALL NOT EXCEED 66,600
GALLONS/YEAR.

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: NUMBER 2 OIL
Upper Permit Limit: 66600.0 gallons per year
Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 47: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 47.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: PO7 Emission Source: 00003

Item 47.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE PRIMARY DIESEL ENGINE IS LIMITED TO
415 HOURS PER YEAR OF OPERATION AND
COMPLIES WITH THE EXEMPTION UNDER 6NYCRR
227-2.4(f)(3).

Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 48: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Item 48.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00002 Emission Point: 00002
Process: PO7 Emission Source: 00003

Item 48.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSION LIMITS FOR PRIMARY

DIESEL:

NOX: 2.74 LB/MMBTU & 30.6

LB/HR

CO: 0.47 LB/MMBTU & 5.3

LB/HR

PM,PM-10: 0.124 LB/MMBTU & 1.3

LB/HR

VOC: 0.067 LB/MMBTU & 0.75

LB/HR

RECORDS OF INITIAL PERFORMANCE TEST
INDICATE COMPLIANCE WITH THE ABOVE
EMISSION LIMITS. COMPLIANCE MONITORING
WITH THESE EMISSION LIMITS MUST BE
DEMONSTRATED BY INTERMITTENT STACK
TESTING TO BE CONDUCTED AT THE REQUEST OF
THIS AGENCY.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 49: Compliance Certification

Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 49.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003 Emission Point: 00003
Process: PO8 Emission Source: 00004

Item 49.2:

Compliance Certification shall include the following monitoring:

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

EMISSION LIMITS FOR SECONDARY

DIESEL:

NOX: 6.42 LB/MMBTU & 37.1
LB/HR

CO: 0.45 LB/MMBTU & 2.58
LB/HR

PM,PM-10: 0.15 LB/MMBTU & 0.86
LB/HR

VOC: 0.051 LB/MMBTU & 0.3
LB/HR

RECORDS OF INITIAL PERFORMANCE TEST
INDICATE COMPLIANCE WITH THE ABOVE
EMISSION LIMITS. COMPLIANCE MONITORING
WITH THESE EMISSION LIMITS MUST BE
DEMONSTRATED BY INTERMITTENT STACK
TESTING TO BE CONDUCTED AT THE REQUEST OF
THIS AGENCY.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING
DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

Condition 50: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 50.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003 Emission Point: 00003
Process: PO8 Emission Source: 00004

Item 50.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC
OPERATIONS

Monitoring Description:

TOTAL FUEL OIL USAGE IN THE SECONDARY
DIESEL SHALL NOT EXCEED 8,610
GALLONS/YEAR.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

Work Practice Type: PROCESS MATERIAL THRUPUT
Process Material: NUMBER 2 OIL
Upper Permit Limit: 8610.0 gallons per year
Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).

Condition 51: Compliance Certification
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable Federal Requirement: 6NYCRR 201-6

Item 51.1:

The Compliance Certification activity will be performed for:

Emission Unit: U-00003 Emission Point: 00003
Process: PO8 Emission Source: 00004

Item 51.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

THE SECONDARY DIESEL ENGINE IS LIMITED
TO 200 HOURS PER YEAR OF OPERATION AND
COMPLIES WITH THE EXEMPTION UNDER 6NYCRR
227-2.4(f)(3).

Monitoring Frequency: DAILY
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2006.
Subsequent reports are due every 12 calendar month(s).



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 52: Contaminant List
Effective between the dates of 05/10/2005 and 05/09/2010**

Applicable State Requirement: ECL 19-0301

Item 52.1:



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

CAS No: 000630-08-0

Name: CARBON MONOXIDE

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

Condition 53: Unavoidable noncompliance and violations
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable State Requirement: 6NYCRR 201-1.4

Item 53.1:

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

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

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

(c) The Department may also require the owner and/or operator to include in reports described under (a) and (b) above an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions depending on the deviation of the malfunction and the air contaminants emitted.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

(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 54: Air pollution prohibited
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable State Requirement: 6NYCRR 211.2

Item 54.1:

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 55: Applicable Facility, with a unit of a capacity of 25 MWe or greater
Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 55.1:

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 56: Permit Requirements
Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 56.1:

The NOx authorized account representative of each NOx budget unit shall: Submit to the department a complete NOx budget permit application under NYCRR 237-3.3 in accordance with the deadlines specified in NYCRR 237-3.2, which states the later of October 1, 2003 or 12 months before the date on which the NOxBU 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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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 57: Compliance Demonstration
Effective between the dates of 05/10/2005 and 05/09/2010

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

Item 57.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 57.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of each NOx budget source and each NOx budget unit at the source shall hold NOx allowances available for compliance deductions under NYCRR 237-6.5, as of the NOx allowance transfer deadline, in the unit's compliance account and the source's overdraft account in an amount not less than the total NOx emissions for the control period from the unit, as determined in accordance with NYCRR 237-8.

Each ton of NOx emitted in excess of the NOx budget emissions limitation shall constitute a separate violation of applicable State law.

A NOx budget unit shall be subject to the requirements under NYCRR 237-1.6(c)(1) starting when the unit commences operation.

NOx allowances shall be held in, deducted from, or transferred among NOx Allowance Tracking System accounts in accordance with NYCRR 237-5, 237-6, 237-7, and 237-9.

Except for future control period NOx allowances which may be deducted pursuant to NYCRR 237-6.5(f), a NOx allowance shall not be deducted, in order to comply with the requirements under NYCRR 237-1.6(c)(1), for a control period in a year prior to the year for which the NOx allowance was allocated.



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

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

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

The owners and operators of a NOx budget unit that has excess emissions in any control period shall: Forfeit the NOx allowances required for deduction under NYCRR 237-6.5(d)(1); and pay any fine, penalty, or assessment or comply with any other remedy imposed under NYCRR 237-6.5(d)(3).

Reporting Requirements: QUARTERLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2005.
Subsequent reports are due every 3 calendar month(s).

**Condition 58: Authorization and responsibilities of the NOx authorized account representative
Effective between the dates of 05/10/2005 and 05/09/2010**

Applicable State Requirement: 6NYCRR 237-2

Item 58.1:

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



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

or order issued to the NOx authorized account representative by the department or a court regarding the source or unit.

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

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

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

Condition 59: Compliance Demonstration
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable State Requirement: 6NYCRR 237-4.1

Item 59.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 59.2:

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.

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



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

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

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

- (a) whether the unit was operated in compliance with the NOx budget emissions limitation;
- (b) whether the monitoring plan that governs the unit has

New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059



been maintained to reflect the actual operation and monitoring of the unit, and contains all information necessary to attribute NO_x emissions to the unit, in accordance with NYCRR 237-8;

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

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

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

Reporting Requirements: SEPTEMBER 30

Condition 60: Submission of NO_x allowance transfers
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable State Requirement: 6NYCRR 237-7.1

Item 60.1:

The NO_x authorized account representatives seeking recordation of a NO_x allowance transfer shall submit the transfer to the department or its agent. To be considered correctly submitted, the NO_x 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 NO_x allowance to be transferred; and



New York State Department of Environmental Conservation

Permit ID: 9-2912-00059/00013

Facility DEC ID: 9291200059

(c) the printed name and signature of the NOx authorized account representative of the transferor account and the date signed.

Condition 61: Compliance Demonstration
Effective between the dates of 05/10/2005 and 05/09/2010

Applicable State Requirement: 6NYCRR 237-8

Item 61.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 61.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2005.

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