



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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 9-5622-00010/00017  
Mod 0 Effective Date: 08/14/2001 Expiration Date: No expiration date.  
Mod 1 Effective Date: 01/17/2002 Expiration Date: No expiration date.  
Mod 2 Effective Date: 11/14/2003 Expiration Date: No expiration date.  
Mod 3 Effective Date: 04/27/2006 Expiration Date: No expiration date.  
Mod 4 Effective Date: Expiration Date:

Permit Issued To: NYS DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION  
BLDG 2 - STATE OFFICE BUILDING CAMPUS  
1220 WASHINGTON AVE  
ALBANY, NY 12226-2050

Facility: ATTICA & WYOMING CORRECTIONAL FACILITIES  
DUNBAR RD & EXCHANGE ST  
ATTICA, NY 14011

Contact: NYS DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION  
BLDG 2 - STATE OFFICE BUILDING CAMPUS  
1220 WASHINGTON AVE  
ALBANY, NY 12226  
(518) 457-8888

Description:  
Attica and Wyoming Correctional Facilities are two prisons that are contiguously located on the same property in the Town of Attica, Wyoming County. There is one Air State facility permit covering both prisons. The purpose of this fourth modification to the permit, MOD 4, is to include a Greenhouse Gas emission cap to avoid Title V permitting requirements and add a temporary boiler that will be used during a construction project. New and revised regulatory requirements were added also.

The permitted sources include seven dual fuel, natural gas or distillate oil, boilers for heating, three diesel fired 1500kW generators that are part of New York State's Coordinated Energy Demand Reduction Program (CDRP), a paint burn-off oven which is part of Corcraft's metal cabinets and lockers manufacturing business, and a temporary gas/oil boiler.

The Greenhouse Gas (GHG) emissions potential to emit was greater than the applicability level for Title V permitting. The GHG emissions are capped at 99,000



tons per 12-month rolling total as carbon dioxide equivalents (CO<sub>2</sub>eq) to stay below the 100,000 ton Title V permitting threshold. Fuel use and emission factors are used to calculate monthly emissions which must be recorded.

The 12.8 MMBtu/hr temporary boiler will be installed for the duration of the onsite boiler upgrade construction project to replace steam and condensate return lines between buildings 9 and 72 during the second half of 2013. This boiler is exempt from the New Source Performance Standards for Small Industrial-Commercial-Institutional Steam Generating Units, 40CFR Subpart 60 Dc, if it is on site for less than 180 consecutive days and the potential SO<sub>2</sub> emissions rate no greater than 0.060 lb/MMBtu. To stay below the 0.060 lb/MMBtu SO<sub>2</sub> emission rate a permit condition limits the sulfur content of any oil burned in the temporary boiler must not exceed 0.058 percent sulfur by weight.

Similarly this temporary boiler is exempt from the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources, 40CFR Subpart 63 JJJJJ, if it remains at the facility and performs the same or similar function for no more than 12 consecutive months. The other boilers are not subject to subpart JJJJJ if they do not burn oil for more than 48 hours during the year. They must record hours of oil use. If they exceed the 48 hours then that boiler(s) must meet the requirements of subpart JJJJJ.

The three existing diesel generators are for emergency use at the facility and part of the of New York State's Coordinated Energy Demand Reduction Program (CDRP) so they are not exempt from permitting. The CDRP provides the power output from these 1500 kW generators available to the New York State's electric power utility grid during periods of peak power demand. The generators were erroneously reported at 1750 kW units in previous permits. The engines are subject to the requirements of National Emissions Standards for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines (RICE), 40CFR Part 63 subpart ZZZZ. The applicable recordkeeping and maintenance requirements were added to the permit. Existing emission and fuel usage limits on the engines keep the facility out of Title V and New Source Review permitting requirements.

Conditions from 6NYCRR Subpart 225-1, Fuel Composition and Use - Sulfur Limitations were added that limit the sulfur content of distillate fuel oil that can be purchased after July 1, 2014 to no more than 0.0015% sulfur by weight, and the sulfur content of oil that can be burned after July 1, 2016 to no more than 0.0015% sulfur by weight.

The history of this permit is as follows:

MOD 0 - The purpose of the original permit was to cap out of Title V and PSD by limiting percent sulfur by weight to 0.5 % of the No.2 fuel oil and by limiting fuel use of both natural gas and No. 2 fuel oil, so the Potential to Emit (PTEs) for SO<sub>2</sub>, CO and NO<sub>x</sub> emissions are limited to less than 95 tpy to stay below the



thresholds for Title V and PSD. The facility's kerosene turbine generator was restricted to emergency use only so that it could be exempted from the Standards of Performance for Nitrogen Oxides found in 40 CFR 60.332 Subpart GG. The turbine has since been removed from the facility. The batch burn-off oven designed to remove dried paint off of conveyor hooks was included in emission unit 0-0CRAFT. This facility fabricates and paints Corcraft metal cabinets and lockers.

MOD 1 - The purpose of the MOD 1 permit was to incorporate uniform monitoring requirements for opacity into the State Air facility permits for all the state correctional facilities.

MOD 2 - The purpose of MOD 2 was to permit the operation of the three Detroit Allison diesel internal combustion generator sets while allowing the facility to avoid New Source Review (NSR) and Title V permitting. These generators participate in New York State's Coordinated Energy Demand Reduction Program (CDRP). Unrestricted use of these generators would cause facility-wide emissions to exceed the applicability threshold for NSR and Title V permitting. MOD 2 added enforceable conditions which limit the amount of diesel fuel burned in the engines so that the cumulative emissions of oxides of nitrogen (NOx) do not exceed 90 tons per year (tpy) which is below the NSR major source threshold of 100 tpy. The facility is required annually to compare emissions to the emission caps and certify compliance.

MOD 3 – The purpose of MOD3 was to add an additional 10.46 MMBtu/hr boiler in the plant 2 powerhouse at the Wyoming correctional facility. None of the emission caps in the permit changed.

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 14203-2915

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



**Notification of Other State Permittee Obligations**

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

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

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

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

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

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

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

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



## LIST OF CONDITIONS

### DEC GENERAL CONDITIONS

#### General Provisions

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

#### Facility Level

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



**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**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 4-1: Applications for permit renewals, modifications and transfers**

**Applicable State Requirement: 6 NYCRR 621.11**

**Item 4-1.1:**

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

**Item 4-1.2:**

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

**Item 4-1.3:**

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



**Applicable State Requirement: 6 NYCRR 621.13**

**Item 2-1.1:**

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

**Item 2-1.2:**

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

**Item 2-1.3:**

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 4-2: Permit modifications, suspensions or revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4-2.1:**

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

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

**Condition 3: Applications for Permit Renewals and Modifications**

**Applicable State Requirement: 6 NYCRR 621.13 (a)**

**Expired by Mod No: 2**

**Item 3.1:**

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

**Item 3.2:**

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



**Department**

**Applicable State Requirement: 6 NYCRR 621.14**

**Item 2-2.1:**

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

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

**Condition 5: Permit Modifications, Suspensions, and Revocations by the Department**

**Applicable State Requirement: 6 NYCRR 621.14**

**Expired by Mod No: 2**

**Item 5.1:**

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

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

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

**Applicable State Requirement: 6 NYCRR 621.14**

**Expired by Mod No: 2**

**Item 4.1:**

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

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



\*\*\*\* Facility Level \*\*\*\*

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

**Item 6.1:**

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

**Condition 4-3: Submission of application for permit modification or  
renewal-REGION 9**  
**HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 4-3.1:**

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

**New York State Department of Environmental Conservation**

Permit ID: 9-5622-00010/00017

Facility DEC ID: 9562200010



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

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY  
PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: NYS DEPT OF CORRECTIONS AND COMMUNITY SUPERVISION  
BLDG 2 - STATE OFFICE BUILDING CAMPUS  
1220 WASHINGTON AVE  
ALBANY, NY 12226-2050

Facility: ATTICA & WYOMING CORRECTIONAL FACILITIES  
DUNBAR RD & EXCHANGE ST  
ATTICA, NY 14011

Authorized Activity By Standard Industrial Classification Code:  
9223 - CORRECTIONAL INSTITUTIONS

Permit Effective Date:

Permit Expiration Date:



## LIST OF CONDITIONS

### FEDERALLY ENFORCEABLE CONDITIONS

#### Facility Level

- 12 6 NYCRR 201-6.1: Facility Permissible Emissions
- 4-1 6 NYCRR 201-7.1: Facility Permissible Emissions
- \*4-2 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*4-3 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*4-4 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*4-5 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*4-6 6 NYCRR 201-7.1: Capping Monitoring Condition
- 3-1 : Facility Permissible Emissions
- \*3-2 : Capping Monitoring Condition
- \*3-3 : Capping Monitoring Condition
- \*3-4 : Capping Monitoring Condition
- \*3-5 : Capping Monitoring Condition
- 4-7 6 NYCRR 211.1: Air pollution prohibited
- 4-8 6 NYCRR 225-1.2 (g): Compliance Demonstration
- 4-9 6 NYCRR 225-1.2 (h): Compliance Demonstration
- 3-8 40CFR 60.42c, Subpart Dc: Compliance Demonstration
- 4-10 40CFR 60.42c, Subpart Dc: Compliance Demonstration

#### Emission Unit Level

##### **EU=0-0MAIN,Proc=GAS,ES=00B07**

- 3-9 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -  
If a COM is not used.

##### **EU=0-0MAIN,Proc=GEN**

- \*4-11 6 NYCRR 201-7.1: Capping Monitoring Condition
- \*3-10 : Capping Monitoring Condition
- 4-12 40CFR 63.6640(a), Subpart ZZZZ: Compliance Demonstration
- 4-13 40CFR 63.6640(f), Subpart ZZZZ: Compliance Demonstration

##### **EU=0-0MAIN,Proc=OIL**

- 4-14 40CFR 63.11195, NESHAP Subpart JJJJJ: Compliance Demonstration

##### **EU=0-0MAIN,Proc=OIL,ES=00B07**

- 3-11 40CFR 60.7(a), NSPS Subpart A: Date of construction notification -  
If a COM is not used.

##### **EU=0-0MAIN,EP=0TEMP**

- 4-15 40CFR 60.40c, NSPS Subpart Dc: Compliance Demonstration
- 4-16 40CFR 63.11195, NESHAP Subpart JJJJJ: Compliance Demonstration

### STATE ONLY ENFORCEABLE CONDITIONS

#### Facility Level

- 4-17 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 2-9 : Unavoidable noncompliance and violations
- 4-18 6 NYCRR 201-1.4: Unavoidable noncompliance and violations

**New York State Department of Environmental Conservation**

**Permit ID: 9-5622-00010/00017**

**Facility DEC ID: 9562200010**



- 41 6 NYCRR Subpart 201-5: Emission Unit Definition
- 4-19 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 42 6 NYCRR 201-5.3 (b): Contaminant List
- 4-20 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 4-21 6 NYCRR 211.1: Preventative measures for fugitive particulate emissions.
- 4-22 6 NYCRR 211.2: Visible Emissions Limited

**Emission Unit Level**

- 44 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 45 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.



**FEDERALLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 200.7**

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 - 6 NYCRR 201-1.2**

If an existing emission source was subject to the permitting requirements of 6 NYCRR 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 - 6 NYCRR 201-1.5**

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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



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

**Item F: Recycling and Salvage - 6 NYCRR 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 - 6 NYCRR 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: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 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 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 I: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 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 J: Required Emission Tests - 6 NYCRR 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 6 NYCRR Subpart 202-1.

**Item K: Open Fires Prohibitions - 6 NYCRR 215.2**

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 12: Facility Permissible Emissions**



Effective between the dates of 08/14/2001 and 04/26/2006

Applicable Federal Requirement:6 NYCRR 201-6.1

Expired by Mod 3  
Applicaton Specific Data

**Condition 4-1: Facility Permissible Emissions**  
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 201-7.1

**Item 4-1.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

per year	CAS No: 000630-08-0 (From Mod 4)	PTE: 190,000 pounds
	Name: CARBON MONOXIDE	
per year	CAS No: 007446-09-5 (From Mod 4)	PTE: 190,000 pounds
	Name: SULFUR DIOXIDE	
per year	CAS No: 0NY210-00-0 (From Mod 4)	PTE: 190,000 pounds
	Name: OXIDES OF NITROGEN	
pounds per year	CAS No: 0NY750-00-0 (From Mod 4)	PTE: 198,000,000
	Name: CARBON DIOXIDE EQUIVALENTS	

**Condition 4-2: Capping Monitoring Condition**  
Effective for entire length of Permit

Applicable Federal Requirement:6 NYCRR 201-7.1

**Item 4-2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 4-2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-2.3:**

**New York State Department of Environmental Conservation**

Permit ID: 9-5622-00010/00017

Facility DEC ID: 9562200010



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.

**Item 4-2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 4-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1.) Fuel oil burned by all boilers at this facility shall not exceed 0.5% sulfur by weight.
- 2.) In addition to the use of lower sulfur oil allowing the facility to meet its sulfur dioxide emission cap, the 0.5% sulfur content limit also satisfies the fuel oil sulfur content limit found in the New Source Performance Standard for small boilers, NSPS Subpart Dc which applies to all four boilers in Plant No. 2 (Emission Source IDs 00B04, 00B05, 00B06 and 00B07). This 0.5% sulfur content limit is also more stringent than the 1.5% sulfur content limit contained in 6NYCRR Part 225-1.2(b) which would otherwise apply to all three boilers in Plant No. 1 (Emission Source IDs 00B01, 00B02 and 00B03).
- 3.) All fuel records for this facility shall be kept on the premises for a period of five years. Sulfur content records shall be obtained and kept on site. This information shall be made available to the NYSDEC upon request during normal business hours.



4.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief summary of emissions subject to the cap during the reporting period and a comparison to the limit in this permit condition.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR (S 035)

Upper Permit Limit: 0.5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first annual (12 month) period following Permit

Issue Date

**Condition 4-3: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 4-3.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 4-3.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-3.3:**

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.

**Item 4-3.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-3.5:**

**New York State Department of Environmental Conservation**

Permit ID: 9-5622-00010/00017

Facility DEC ID: 9562200010



The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4-3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 4-3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide emission of oxides of nitrogen (NOx) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

NOx emissions = (thousand gallons # 2 oil X 20 lb/ 1000 gal) + (million cubic feet of natural gas X 100 lb/ million cu ft) + (thousand gallons of diesel used in generators X 432 lb/ 1000 gal) + NOx emissions from exempt emission sources. These factors are subject to change as AP - 42 emission factors are revised.

2.) The above calculation shall include emissions from the following emission which sources have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces

3.) The permittee shall compute monthly and 12 month total NOx emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief



summary of emissions subject to the cap during the reporting period and a comparison to the limit in this permit condition.

5.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203, within three days of occurrence.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first annual (12 month) period following Permit

Issue Date

**Condition 4-4: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 4-4.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 4-4.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-4.3:**

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.

**Item 4-4.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-4.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.



**Item 4-4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):  
CAS No: 000630-08-0 CARBON MONOXIDE

**Item 4-4.7:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide the emission of carbon monoxide (CO) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

CO emissions = (thousand gallons #2 oil X 5 lb/ 1000 gal)  
+ (million cubic feet of natural gas X 84 lb/ million  
cu ft) + (thousand gallons of diesel used in generators  
X 119 lb/ 1000 gal) + CO emissions from exempt emission  
sources. These factors are subject to change as AP - 42  
emission factors are revised.

2.) The above calculation shall include emissions from the following emission which sources have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces - 23.3 thousand gal (0.02 tpy)

3.) The permittee shall compute monthly and 12 month total CO emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief summary of emissions subject to the cap during the reporting period and a comparison to the limit in this permit condition.



5.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203, within three days of occurrence.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first annual (12 month) period following Permit Issue Date

**Condition 4-5: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 4-5.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1  
6 NYCRR Subpart 231-7

**Item 4-5.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-5.3:**

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.

**Item 4-5.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-5.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4-5.6:**



The Compliance Demonstration activity will be performed for the Facility.

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

**Item 4-5.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting and Prevention of Significant Deterioration (PSD), this facility shall limit plant-wide emission of sulfur dioxide (SO<sub>2</sub>) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

SO<sub>2</sub> emissions = (thousand gallons #2 oil X 71 lb/ 1000 gal) + (million cubic feet of natural gas X 0.6 lb/ million cu ft) + (thousand gallons of diesel used in generators X 54.54 lb/ 1000 gal) + SO<sub>2</sub> emissions from exempt emission sources. These factors are subject to change as AP - 42 emission factors are revised.

2.) The above calculation shall include emissions from the following emission sources which have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces

3.) The permittee shall compute monthly and 12 month total SO<sub>2</sub> emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief summary of emissions subject to the cap during the reporting period and a comparison to the limit in this permit condition.

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5.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first annual (12 month) period following Permit

Issue Date

**Condition 4-6: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 4-6.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR Subpart 201-6

**Item 4-6.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-6.3:**

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.

**Item 4-6.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-6.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4-6.6:**

The Compliance Demonstration activity will be performed for the Facility.



Regulated Contaminant(s):  
CAS No: 0NY750-00-0 CARBON DIOXIDE EQUIVALENTS

**Item 4-6.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide emission of carbon dioxide equivalents (CO<sub>2</sub>eq) from all emission sources to 99,000 tons (198,000,000 pounds) tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

$$\text{CO}_2\text{Eq per month (pounds)} = \text{FO}_2(22.6 \text{ lb CO}_2\text{eq/gal}) + \text{NAG}(0.120 \text{ lb CO}_2\text{eq/cu.ft.}) + \text{PRO}(12.4 \text{ lb CO}_2\text{eq/gal}) + \text{DSL}(202 \text{ lb CO}_2\text{eq/gal})$$

Where: FO<sub>2</sub> is #2 fuel oil use in gallons per month  
NAG is Natural Gas use in square cubic feet per month  
PRO is Propane use in gallons per month  
DSL is Diesel fuel use in gallons per month

2.) The above calculation shall include emissions from the following emission sources which have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces

3.) The permittee shall compute monthly and 12 month total CO<sub>2</sub>eq emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief summary of emissions subject to the cap during the reporting period and a comparison to the limit in this



permit condition.

5.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203, within three days of occurrence.

Process Material: FUEL CONSUMPTION  
Parameter Monitored: CARBON DIOXIDE EQUIVALENTS  
Upper Permit Limit: 198,000,000 pounds per year  
Monitoring Frequency: MONTHLY  
Averaging Method: 12-month total, rolled monthly  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 3-1: Facility Permissible Emissions**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 4**  
**Applicaton Specific Data**

**Condition 3-2: Capping Monitoring Condition**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 4**

**Item 3-2.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 3-2.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-2.3:**

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.

**Item 3-2.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This

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certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-2.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-2.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 3-2.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

- 1.) Fuel oil burned by all boilers at this facility shall not exceed 0.5% sulfur by weight.
- 2.) In addition to the use of lower sulfur oil allowing the facility to meet its sulfur dioxide emission cap, the 0.5% sulfur content limit also satisfies the fuel oil sulfur content limit found in the New Source Performance Standard for small boilers, NSPS Subpart Dc which applies to all three boilers in Plant No. 2 (Emission Source IDs 00B04, 00B05, 00B06 and 00B07). This 0.5% sulfur content limit is also more stringent than the 1.5% sulfur content limit contained in 6NYCRR Part 225-1.2(a)(2) which would otherwise apply to all three boilers in Plant No. 1 (Emission Source IDs 00B01, 00B02 and 00B03).
- 3.) All fuel records for this facility shall be kept on the premises for a period of five years. Sulfur content records shall be obtained and kept on site. This information shall be made available to the NYSDEC upon request during normal business hours.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: NUMBER 2 OIL

Parameter Monitored: SULFUR (S 035)

Upper Permit Limit: .5 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 09/12/2006 for the period 04/27/2006 through 08/13/2006



**Condition 3-3: Capping Monitoring Condition**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 4**

**Item 3-3.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 3-3.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-3.3:**

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.

**Item 3-3.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-3.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 3-3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:



1.) In order to avoid Title V permitting and Prevention of Significant Deterioration (PSD), this facility shall limit plant-wide emission of sulfur dioxide (SO<sub>2</sub>) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

SO<sub>2</sub> emissions = (thousand gallons #2 oil X 71 lb/kgal) + (million cubic feet of natural gas X 0.6 lb/ million cu ft) + (thousand gallons of diesel used in generators X 54.54 lb/kgal) + SO<sub>2</sub> emissions from exempt emission sources. These factors are subject to change as AP - 42 emission factors are revised.

2.) The above calculation shall include emissions from the following emission which sources have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces

3.) The permittee shall compute monthly and 12 month total SO<sub>2</sub> emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 09/12/2006 for the period 04/27/2006 through 08/13/2006

**Condition 3-4: Capping Monitoring Condition**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 4**

**Item 3-4.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the

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purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 3-4.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-4.3:**

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.

**Item 3-4.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-4.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 3-4.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide the emission of carbon monoxide (CO) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

CO emissions = (thousand gallons #2 oil X 5 lb/kgal) +



(million cubic feet of natural gas X 84 lb/ million cu ft) + (thousand gallons of diesel used in generators X 119 lb/kgal) + CO emissions from exempt emission sources.

These factors are subject to change as AP - 42 emission factors are revised.

2.) The above calculation shall include emissions from the following emission which sources have been reported as being exempt using AP - 42 emission factors:

Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces  
Propane furnaces - 23.3 kgal (0.02 tpy)

3.) The permittee shall compute monthly and 12 month total CO emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Parameter Monitored: CARBON MONOXIDE

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 09/12/2006 for the period 04/27/2006 through 08/13/2006

**Condition 3-5: Capping Monitoring Condition**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement:**

**Expired by Mod 4**

**Item 3-5.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1

**Item 3-5.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.



**Item 3-5.3:**

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.

**Item 3-5.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-5.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-5.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 3-5.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

1.) In order to avoid Title V permitting, this facility shall limit facility-wide emission of oxides of nitrogen (NO<sub>x</sub>) from all emission sources to 95 tons per each 12 month period. This shall be accomplished by limiting the use of natural gas and number 2 fuel oil in its boilers and diesel fuel in its internal combustion electric generators according to the following formula:

NO<sub>x</sub> emissions = (thousand gallons # 2 oil X 20 lb/kgal)  
+ (million cubic feet of natural gas X 100 lb/ million  
cu ft) + (thousand gallons of diesel used in generators  
X 432 lb/kgal) + NO<sub>x</sub> emissions from exempt emission  
sources. These factors are subject to change as AP - 42  
emission factors are revised.

2.) The above calculation shall include emissions from the following emission which sources have been reported as being exempt using AP - 42 emission factors:



Natural gas heaters  
No 2 oil furnaces  
Dual fuel furnaces  
Propane furnaces

3.) The permittee shall compute monthly and 12 month total NOx emissions by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

4.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 95 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 09/12/2006 for the period 04/27/2006 through 08/13/2006

**Condition 4-7: Air pollution prohibited  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 211.1**

**Item 4-7.1:**

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 4-8: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 4-8.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS



Monitoring Description:

Owners and/or operators of a stationary combustion installation that fires distillate oil other than number two heating oil are limited to the purchase of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2014. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis, within 30 days after the end of the semiannual period. All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4-9: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 4-9.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4-9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners and/or operators of a stationary combustion installations that fire distillate oil are limited to the firing of distillate oil with 0.0015 percent sulfur by weight or less on or after July 1, 2016. Compliance with this limit will be based on vendor certifications.

Data collected pursuant to this Subpart must be tabulated and summarized in a form acceptable to the Department, and must be retained for at least five years. The owner of a Title V facility must furnish to the Department such records and summaries, on a semiannual calendar basis,

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within 30 days after the end of the semiannual period.  
All other facility owners or distributors must submit these records and summaries upon request of the Department.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 3-8: Compliance Demonstration**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**

**Applicable Federal Requirement: 40CFR 60.42c, Subpart Dc**

**Replaced by Condition(s) 4-10**

**Item 3-8.1:**

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

Emission Unit: 0-0MAIN Process: OIL	Emission Source: 00B04
Emission Unit: 0-0MAIN Process: OIL	Emission Source: 00B05
Emission Unit: 0-0MAIN Process: OIL	Emission Source: 00B06
Emission Unit: 0-0MAIN Process: OIL	Emission Source: 00B07
Regulated Contaminant(s): CAS No: 007446-09-5	SULFUR DIOXIDE

**Item 3-8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

1.) On and after the date on which the initial performance test is completed or required to be completed under §60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts oil shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO<sub>2</sub> in excess of 215 ng/J (0.50 lb/million Btu) heat input; or,



as an alternative, no owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur.

2.) The owner or operator of each affected facility subject to the SO<sub>2</sub> emission limits of §60.42c, or the PM or opacity limits of §60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests.

3.) The owner or operator of each affected facility subject to the SO<sub>2</sub> emission limits, fuel oil sulfur limits, or percent reduction requirements under §60.43c shall keep records and submit reports as required under paragraph (d) of this section, including the following information, as applicable.

If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph §60.48c (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

Fuel supplier certification shall include the following information:

- (1) For distillate oil:
  - (i) The name of the oil supplier; and
  - (ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 OIL  
Parameter Monitored: SULFUR (S 035)  
Upper Permit Limit: .5 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 10/30/2006.  
Subsequent reports are due every 6 calendar month(s).



**Condition 4-10: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60.42c, Subpart Dc**

**Replaces Condition(s) 3-8**

**Item 4-10.1:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5 SULFUR DIOXIDE

**Item 4-10.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

1.) On and after the date on which the initial performance test is completed or required to be completed under §60.8 of this part, whichever date comes first, no owner or operator of an affected facility that combusts oil shall cause to be discharged into the atmosphere from that affected facility any gases that contain SO<sub>2</sub> in excess of 215 ng/J (0.50 lb/million Btu) heat input; or, as an alternative, no owner or operator of an affected facility that combusts oil shall combust oil in the affected facility that contains greater than 0.5 weight percent sulfur.

2.) The owner or operator of each affected facility subject to the SO<sub>2</sub> emission limits of §60.42c, or the PM or opacity limits of §60.43c, shall submit to the Administrator the performance test data from the initial and any subsequent performance tests.

3.) The owner or operator of each affected facility subject to the SO<sub>2</sub> emission limits, fuel oil sulfur limits, or percent reduction requirements under §60.43c shall keep records and submit reports as required under paragraph (d) of this section, including the following information, as applicable.

If fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification is used to demonstrate compliance, records of fuel supplier certification as described under paragraph §60.48c (f)(1), (2), or (3) of this section, as applicable. In addition to records of fuel supplier certifications, the report shall include a certified statement signed by the owner or operator of the affected facility that the

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records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

Fuel supplier certification shall include the following information:

- (1) For distillate oil:
  - (i) The name of the oil supplier; and
  - (ii) A statement from the oil supplier that the oil complies with the specifications under the definition of distillate oil in §60.41c.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: NUMBER 2 OIL  
Parameter Monitored: SULFUR (S 035)  
Upper Permit Limit: 0.5 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

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

**Condition 3-9: Date of construction notification - If a COM is not used.  
Effective between the dates of 04/27/2006 and Permit Expiration Date**

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

**Expired by Mod 4**

**Item 3-9.1:**

This Condition applies to Emission Unit: 0-0MAIN  
Process: GAS Emission Source: 00B07

**Item 3-9.2:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information



describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;

5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;

6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 4-11: Capping Monitoring Condition  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 4-11.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 231-2.2

**Item 4-11.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 4-11.3:**

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.

**Item 4-11.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 4-11.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 4-11.6:**

The Compliance Demonstration activity will be performed for:



Emission Unit: 0-0MAIN  
Process: GEN

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

**Item 4-11.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

1.) In order to avoid New Source Review (NSR), this facility shall limit the emission of oxides of nitrogen (NOx) from this process to 90 tons per each 12 month period. This shall be accomplished by limiting the use diesel fuel oil in its internal combustion electric generators to 410,000 gallons. This is based on diesel fuel heat content of 137,000 Btu per gallon and an emission factor of 3.2 lbs NOx per million Btu.

2.) The permittee shall compute monthly and 12 month total diesel fuel oil usage by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

3.) Annually, the responsible official shall certify that the facility operated within the limits imposed by this permit condition. The certification shall include a brief summary of emissions subject to the cap during the reporting period and a comparison to the limit in this permit condition.

4.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: DIESEL OIL

Upper Permit Limit: 410,000 gallons

Monitoring Frequency: MONTHLY

Averaging Method: 12-month total, rolled monthly

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 30 days after first annual (12 month) period following Permit

Issue Date

**Condition 3-10: Capping Monitoring Condition**  
**Effective between the dates of 04/27/2006 and Permit Expiration Date**



**Applicable Federal Requirement:**

**Expired by Mod 4**

**Item 3-10.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 231-2.2

**Item 3-10.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 3-10.3:**

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.

**Item 3-10.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

**Item 3-10.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 3-10.6:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN  
Process: GEN

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

**Item 3-10.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes  
Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS  
Monitoring Description:

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1.) In order to avoid New Source Review (NSR), this facility shall limit the emission of oxides of nitrogen (NOx) from this process to 90 tons per each 12 month period. This shall be accomplished by limiting the use diesel fuel oil in its internal combustion electric generators to 410,000 gallons. This is based on diesel fuel heat content of 137,000 Btu per gallon and an emission factor of 3.2 lbs NOx per million Btu.

2.) The permittee shall compute monthly and 12 month total diesel fuel oil usage by the 15th of each month. This information shall be recorded in a log maintained on site. All fuel use records and calculations shall be kept on the premises for a period of five years. This information shall be made available to the NYSDEC upon request during normal business hours.

3.) Any exceedances of this cap shall be reported to the department at 270 Michigan Avenue, Buffalo, 14203 within three days of occurrence.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: DIESEL OIL

Upper Permit Limit: 410000 gallons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL TOTAL ROLLED MONTHLY

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 09/12/2006 for the period 04/27/2006 through 08/13/2006

**Condition 4-12: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.6640(a), Subpart ZZZZ**

**Item 4-12.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN

Process: GEN

**Item 4-12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

You must demonstrate continuous compliance with each emission limitation, operating limitation, and other requirements in Tables 1a and 1b, Tables 2a and 2b, Table 2c, and Table 2d to this subpart that apply to you according to methods specified in Table 6 to this subpart:



Table 2d, Item 4 - Emergency stationary compression ignition reciprocating internal combustion engines (CI RICE) and black start stationary CI RICE must:

- a. Change oil and filter every 500 hours of operation or annually, whichever comes first;
- b. Inspect air cleaner every 1,000 hours of operation or annually, whichever comes first, and replace as necessary; and
- c. Inspect all hoses and belts every 500 hours of operation or annually, whichever comes first, and replace as necessary.

The facility must keep records according to the provisions in 40 CFR 63.6655, which includes the use of a non-resettable hour meter, and submit the notifications and reports listed in 40 CFR 63.6645 and 63.6650.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4-13: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.6640(f), Subpart ZZZZ**

**Item 4-13.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN

Process: GEN

**Item 4-13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

If you own or operate an emergency stationary reciprocating internal combustion engine (RICE), you must operate the emergency stationary RICE according to the requirements in paragraphs (f)(1) through (4) of this section, 40CFR 63.6640. In order for the engine to be considered an emergency stationary RICE under this subpart, any operation other than emergency operation, maintenance and testing, emergency demand response, and operation in non-emergency situations for 50 hours per year, as described in paragraphs (f)(1) through (4) of this section, is prohibited. If you do not operate the engine according to the requirements in paragraphs (f)(1) through (4) of this section, the engine will not be considered an emergency engine under this subpart and must meet all requirements for non-emergency engines.



(1) There is no time limit on the use of emergency stationary RICE in emergency situations.

(2) You may operate your emergency stationary RICE for any combination of the purposes specified in paragraphs (f)(2)(i) through (iii) of this section for a maximum of 100 hours per calendar year. Any operation for non-emergency situations as allowed by paragraphs (f)(3) and (4) of this section counts as part of the 100 hours per calendar year allowed by this paragraph (f)(2).

(i) Emergency stationary RICE may be operated for maintenance checks and readiness testing, provided that the tests are recommended by federal, state or local government, the manufacturer, the vendor, the regional transmission organization or equivalent balancing authority and transmission operator, or the insurance company associated with the engine. The owner or operator may petition the Administrator for approval of additional hours to be used for maintenance checks and readiness testing, but a petition is not required if the owner or operator maintains records indicating that federal, state, or local standards require maintenance and testing of emergency RICE beyond 100 hours per calendar year.

(ii) Emergency stationary RICE may be operated for emergency demand response for periods in which the Reliability Coordinator under the North American Electric Reliability Corporation (NERC) Reliability Standard EOP-002-3, Capacity and Energy Emergencies (incorporated by reference, see § 63.14), or other authorized entity as determined by the Reliability Coordinator, has declared an Energy Emergency Alert Level 2 as defined in the NERC Reliability Standard EOP-002-3.

(iii) Emergency stationary RICE may be operated for periods where there is a deviation of voltage or frequency of 5 percent or greater below standard voltage or frequency.

(3) Emergency stationary RICE located at major sources of HAP may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. The 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to supply power to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(4) Emergency stationary RICE located at area sources



of hazardous air pollutants (HAP) may be operated for up to 50 hours per calendar year in non-emergency situations. The 50 hours of operation in non-emergency situations are counted as part of the 100 hours per calendar year for maintenance and testing and emergency demand response provided in paragraph (f)(2) of this section. Except as provided in paragraphs (f)(4)(i) and (ii) of this section, the 50 hours per year for non-emergency situations cannot be used for peak shaving or non-emergency demand response, or to generate income for a facility to an electric grid or otherwise supply power as part of a financial arrangement with another entity.

(i) Prior to May 3, 2014, the 50 hours per year for non-emergency situations can be used for peak shaving or non-emergency demand response to generate income for a facility, or to otherwise supply power as part of a financial arrangement with another entity if the engine is operated as part of a peak shaving (load management program) with the local distribution system operator and the power is provided only to the facility itself or to support the local distribution system.

(ii) The 50 hours per year for non-emergency situations can be used to supply power as part of a financial arrangement with another entity if all of the following conditions are met:

(A) The engine is dispatched by the local balancing authority or local transmission and distribution system operator.

(B) The dispatch is intended to mitigate local transmission and/or distribution limitations so as to avert potential voltage collapse or line overloads that could lead to the interruption of power supply in a local area or region.

(C) The dispatch follows reliability, emergency operation or similar protocols that follow specific NERC, regional, state, public utility commission or local standards or guidelines.

(D) The power is provided only to the facility itself or to support the local transmission and distribution system.

(E) The owner or operator identifies and records the entity that dispatches the engine and the specific NERC, regional, state, public utility commission or local standards or guidelines that are being followed for dispatching the engine. The local balancing authority or local transmission and distribution system operator may keep these records on behalf of the engine owner or operator.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: ANNUALLY (CALENDAR)



Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 4-14: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.11195, NESHAP Subpart**

**JJJJJ**

**Item 4-14.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN  
Process: OIL

**Item 4-14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permittee operates all seven boilers as a 'gas-fired boiler,' as defined in 40 CFR subpart 63-JJJJJ (subpart JJJJJ), National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources. Since each boiler is capable of burning distillate fuel oil, the following requirements must be met so that the boilers are not subject to additional requirements of this subpart:

1) If a liquid fuel is used for more than a combined total of 48 hours during any calendar year, outside of a gas curtailment or gas supply emergency, then the boiler(s) will become subject to subpart JJJJJ and will need to comply with the requirements of this regulation.

2) Record the number of hours each day that fuel oil is burned in each boiler and calculate a rolling 8760 hour total, on an hourly basis.

3) The fuel use records shall be kept on site and made available for review upon request and submitted to the department upon request.

4) Subpart JJJJJ, 60.11237 defines a 'gas-fired boiler as any boiler that burns gaseous fuel not combined with any solid fuels, burns liquid fuel only during periods of gas curtailment, gas supply emergencies or periodic testing on liquid fuel. Periodic testing of liquid fuels shall not exceed the combined total of 48 hours during any calendar year.'

5) Subpart JJJJJ, 60.11237 defines 'period of natural gas



curtailment or supply interruption to mean a period of time during which the supply of natural gas to an affected facility is halted for reasons beyond the control of the facility. The act of entering into a contractual agreement with a supplier of natural gas established for curtailment purposes does not constitute a reason that is under the control of a facility for the purposes of this definition. An increase in the cost or unit price of natural gas does not constitute a period of natural gas curtailment or supply interruption.'

Monitoring Frequency: HOURLY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 3-11: Date of construction notification - If a COM is not used.  
Effective between the dates of 04/27/2006 and Permit Expiration Date**

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

**Expired by Mod 4**

**Item 3-11.1:**

This Condition applies to Emission Unit: 0-0MAIN

Process: OIL

Emission Source: 00B07

**Item 3-11.2:**

Any owner or operator subject to this part shall furnish the Administrator with the following information:

- 1) a notification of the date construction or reconstruction commenced, post marked no later than 30 days after such date;
- 3) a notification of the actual date of initial start up, post marked within 15 days after such date;
- 4) a notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless the change is specifically exempted under this part. The notice shall be post marked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capability of the facility before and after the change, and the expected completion date of the change. The Administrator may request additional information regarding the change;
- 5) a notification of the date upon which the demonstration of continuous monitoring system performance commences, post marked not less than 30 days prior to such date;
- 6) a notification of the anticipated date for conducting the opacity observations, post marked not less than 30 days prior to such date.

**Condition 4-15: Compliance Demonstration**



**Effective for entire length of Permit**

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

**Item 4-15.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN Emission Point: 0TEMP

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

**Item 4-15.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

TEMPORARY BOILER - NSPS, SUBPART Dc

1.) The 12.8 MMBtu/hr temporary boiler is exempt from the New Source Performance Standards for Small Industrial-Commercial-Institutional Steam Generating Units, 40CFR Part 60, subpart Dc, if it:

- a.) remains at a location for no more than 180 consecutive days,
- b.) combusts natural gas or distillate oil with a potential SO<sub>2</sub> emissions rate no greater than 0.060 lb/MMBtu, and
- c.) is designed to, and is capable of, being carried or moved from one location to another.

2.) To demonstrate that the temporary boiler is not subject to subpart Dc, the permittee must:

- a.) document when the temporary boiler was installed and when it was removed, and
- b.) burn distillate oil that contains no more than 0.058 percent by weight sulfur. Before any oil is burned it must be tested to evaluate the sulfur content which must be documented.

3.) Reporting requirements:

- a.) Report when the temporary boiler was installed,
- b.) Report when temporary boiler was removed, and
- c.) Submitted upon request the sulfur content of the oil fired in the boiler.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Parameter Monitored: SULFUR

Upper Permit Limit: 0.058 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY



TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 4-16: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 63.11195, NESHAP Subpart JJJJJ**

**Item 4-16.1:**  
The Compliance Demonstration activity will be performed for:

Emission Unit: 0-0MAIN Emission Point: 0TEMP

**Item 4-16.2:**  
Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

TEMPORARY BOILER - NESHAP, SUBPART JJJJJ

1.) The 12.8 MMBtu/hr temporary boiler is exempt from the National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers at Area Sources, 40CFR Part 63, subpart JJJJJ [63.11195(h)], if:

- a.) the boiler or a replacement does not remain at the facility performing the same or similar function for more than 12 consecutive months, and
- b.) is designed to, and is capable of, being carried or moved from one location to another.

2.) To demonstrate that the temporary boiler is not subject to subpart JJJJJ, the permittee must:  
a.) document when the temporary boiler was installed, and  
b.) document when the temporary boiler was removed.

3.) Reporting requirements:  
a.) Report when the temporary boiler was installed, and  
b.) Report when temporary boiler was removed.

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



**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: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records. Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

**Item B: 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 only enforceable.**

**Condition 4-17: Malfunctions and start-up/shutdown activities**  
**Effective for entire length of Permit**



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

**Item 4-17.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, 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 department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 2-9: Unavoidable noncompliance and violations**  
**Effective between the dates of 11/14/2003 and Permit Expiration Date**

**Applicable State Requirement:**

**Replaced by Condition(s) 4-18**

**Item 2-9.1:**

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



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

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

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

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

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

**Condition 4-18: Unavoidable noncompliance and violations  
Effective for entire length of Permit**

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

**Replaces Condition(s) 2-9**

**Item 4-18.1:**

At the discretion of the commissioner a violation of any applicable emission standard for necessary scheduled equipment maintenance, start-up/shutdown conditions and malfunctions or



upsets may be excused if such violations are unavoidable. The following actions and recordkeeping and reporting requirements must be adhered to in such circumstances.

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

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

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

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

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

**Condition 41: Emission Unit Definition**  
**Effective between the dates of 08/14/2001 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 41.1(From Mod 4):**



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

Emission Unit: 0-0MAIN

Emission Unit Description:

This emission unit consists of eight industrial boilers, emission sources 00B01, 00B02, 00B03, 00B04, 00B05, 00B06, 00B07, and 0TEMP. Each boiler is dual fueled and can burn natural gas and #2 fuel oil.

Two 73.8 MMBtu/hr boilers and one 37.5 MMBtu/hr boiler are located in plant 1.

Two 16.74 MMBtu/hr boilers and two 10.46 MMBtu/hr boilers are located in plant 2. NSPS subpart Dc applies to the plant 2 boilers.

The temporary boiler will be used no later than December 31, 2013.

Three 1500 kW diesel generators are used in an energy demand response program and to provide emergency power.

Four storage tanks are subject to the recordkeeping requirements of 40 CFR subpart Kb (section 60.11b (a) and (b) only).

Building(s): 108  
42  
72  
Trailer

**Item 41.2(From Mod 3):**

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

Emission Unit: 0-CRAFT

Emission Unit Description:

CORCRAFT INDUSTRIES OPERATES A BATCH BURN-OFF OVEN FOR CLEANING PARTS USED IN THE POWDER COATING OPERATIONS.

Building(s): 12

**Condition 4-19: Renewal deadlines for state facility permits  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 4-19.1:**

The owner or operator of a facility having an issued state facility 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.

**Condition 42: Contaminant List  
Effective between the dates of 08/14/2001 and 11/13/2003**



**Applicable State Requirement:6 NYCRR 201-5.3 (b)**

**Expired by Mod 2**

**Item 42.1:**

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

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

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

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

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

CAS No: 0NY750-00-0  
Name: CARBON DIOXIDE EQUIVALENTS

**Condition 4-20: Compliance Demonstration  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 4-20.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4-20.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 9  
270 Michigan Ave.  
Buffalo, NY 14203

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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



**Condition 4-21: Preventative measures for fugitive particulate emissions.  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 4-21.1: Fugitive particulate emissions must be reasonably controlled at each site of operations.** The permittee shall use, but is not limited to water spray dust suppression equipment on all processes, storage piles, haul roads, etc. as needed to insure that no visible emissions extend beyond the property line of the facility. The permittee shall not operate any process emissions source at the facility without functional water spray dust suppression equipment. In the event of failure of such fugitive particulate emission control equipment due to weather, mechanical breakdown, or other conditions, the facility shall cease operation of its portable equipment if unable to operate within the permitted parameters without the use of such control equipment.

**Condition 4-22: Visible Emissions Limited  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.2**

**Item 4-22.1:**

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

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

**Condition 44: Emission Point Definition By Emission Unit  
Effective between the dates of 08/14/2001 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 44.1(From Mod 4):**

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

Emission Unit: 0-0MAIN

Emission Point: 00001

Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 72

Emission Point: 00002

Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 72

Emission Point: 00003

Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 72



Emission Point: 00004  
Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 42

Emission Point: 00005  
Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 42

Emission Point: 00006  
Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 42

Emission Point: 00008  
Height (ft.): 70 Diameter (in.): 42  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 42

Emission Point: 0TEMP  
Height (ft.): 14 Diameter (in.): 20  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: Trailer

**Item 44.2(From Mod 3):**

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

Emission Unit: 0-CRAFT

Emission Point: 00007  
Height (ft.): 25 Diameter (in.): 12  
NYTMN (km.): 4749.297 NYTME (km.): 232.654 Building: 12

**Condition 45: Process Definition By Emission Unit  
Effective between the dates of 08/14/2001 and Permit Expiration Date**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 45.1(From Mod 4):**

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

Emission Unit: 0-0MAIN  
Process: GAS Source Classification Code: 1-03-006-02  
Process Description:

The seven powerhouse boilers and one temporary boiler that fire natural gas:  
- 00B01, 37.5 MMBt/hr boiler, EP 00001,  
- 00B02, 73.8 MMBt/hr boiler, EP 00002,  
- 00B03, 73.8 MMBt/hr boiler, EP 00003,  
- 00B04, 16.74 MMBt/hr boiler, EP 00004,  
- 00B05, 16.74 MMBt/hr boiler, EP 00005,  
- 00B06, 10.46 MMBt/hr boiler, EP 00006,  
- 00B07, 10.46 MMBt/hr boiler, EP 00008,  
and  
- 0TEMP, 12.8 MMBt/hr boiler, EP 0TEMP.



Emission Source/Control: 00B01 - Combustion  
Design Capacity: 37.5 million Btu per hour

Emission Source/Control: 00B02 - Combustion  
Design Capacity: 73.8 million Btu per hour

Emission Source/Control: 00B03 - Combustion  
Design Capacity: 73.8 million Btu per hour

Emission Source/Control: 00B04 - Combustion  
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B05 - Combustion  
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B06 - Combustion  
Design Capacity: 10.46 million Btu per hour

Emission Source/Control: 00B07 - Combustion  
Design Capacity: 10.46 million Btu per hour

Emission Source/Control: 0TEMP - Combustion  
Design Capacity: 12.8 million BTUs per hour

**Item 45.2(From Mod 4):**

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

Emission Unit: 0-0MAIN  
Process: GEN Source Classification Code: 2-02-001-07  
Process Description:  
Three generators burn diesel fuel to provide emergency power and energy demand response.

Emission Source/Control: 0GEN1 - Combustion  
Design Capacity: 1,500 kilowatts

Emission Source/Control: 0GEN2 - Combustion  
Design Capacity: 1,500 kilowatts

Emission Source/Control: 0GEN3 - Combustion  
Design Capacity: 1,500 kilowatts

**Item 45.3(From Mod 4):**

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

Emission Unit: 0-0MAIN  
Process: OIL Source Classification Code: 1-03-005-01  
Process Description:  
The seven powerhouse boilers and one temporary boiler that fire #2 fuel oil:  
- 00B01, 37.5 MMBt/hr boiler, EP 00001,  
- 00B02, 73.8 MMBt/hr boiler, EP 00002,



- 00B03, 73.8 MMBt/hr boiler, EP 00003,
- 00B04, 16.74 MMBt/hr boiler, EP 00004,
- 00B05, 16.74 MMBt/hr boiler, EP 00005,
- 00B06, 10.46 MMBt/hr boiler, EP 00006,
- 00B07, 10.46 MMBt/hr boiler, EP 00008,
- and
- 0TEMP, 12.8 MMBt/hr boiler, EP 0TEMP.

Emission Source/Control: 00B01 - Combustion  
Design Capacity: 37.5 million Btu per hour

Emission Source/Control: 00B02 - Combustion  
Design Capacity: 73.8 million Btu per hour

Emission Source/Control: 00B03 - Combustion  
Design Capacity: 73.8 million Btu per hour

Emission Source/Control: 00B04 - Combustion  
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B05 - Combustion  
Design Capacity: 16.74 million Btu per hour

Emission Source/Control: 00B06 - Combustion  
Design Capacity: 10.46 million Btu per hour

Emission Source/Control: 00B07 - Combustion  
Design Capacity: 10.46 million Btu per hour

Emission Source/Control: 0TEMP - Combustion  
Design Capacity: 12.8 million BTUs per hour

**Item 45.4(From Mod 3):**

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

Emission Unit: 0-0MAIN  
Process: TAN  
Process Description: FOUR TANKS ARE USED TO STORE NO. 2 FUEL OIL.

Emission Source/Control: 00009 - Process  
Design Capacity: 30,000 gallons

Emission Source/Control: 00AG5 - Process  
Design Capacity: 75,000 gallons

Emission Source/Control: 00AG6 - Process  
Design Capacity: 75,000 gallons

Emission Source/Control: 00UG2 - Process  
Design Capacity: 20,000 gallons

**Item 45.5(From Mod 3):**



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

Emission Unit: 0-CRAFT

Process: ONE

Process Description:

PARTS USED IN THE POWDER COATING LINE ARE  
CLEANED IN THE BURN-OFF OVEN.

Emission Source/Control: 00C01 - Process

