

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 1-4726-01500/00001



04/30/2003

Facility Identification Data

Name: SPAGNOLI ROAD ENERGY CENTER
Address: SPAGNOLI ROAD WEST OF ROUTE 110
City: MELVILLE

Owner/Firm

Name: KEYSpan ENERGY DEVELOPMENT CORP
City: BROOKLYN
State: NY Country: USA Zip: 11201
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
Name: KEVIN A KISPert

Division of Air Resources:
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Air Permitting Contact:
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Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

A NEW 250-MEGAWATT (NOMINAL) NATURAL GAS FIRED COMBINED CYCLE ELECTRIC POWER GENERATION FACILITY. THE MAJOR COMPONENTS OF THE FACILITY INCLUDE ONE COMBUSTION TURBINE, ONE UNFIRED HEAT RECOVERY STEAM GENERATOR (HRSG), A SINGLE STEAM TURBINE GENERATOR, AN AIR-COOLED CONDENSER, ONE EXHAUST STACK, AN ELECTRIC FIRE PUMP AND A 15,000 GALLON AQUEOUS (15% SOLUTION) AMMONIA TANK.

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Attainment Status

SPAGNOLI ROAD ENERGY CENTER is located in the town of HUNTINGTON in the county of SUFFOLK.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	SEVERE NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor

Facility Description

THE FACILITY WILL CONSIST OF ONE GE7FA COMBUSTION TURBINE, ONE HEAT RECOVERY STEAM GENERATOR (HRSG), ONE STEAM TURBINE, AN AIR COOLED CONDENSER, ONE EXHAUST STACK, AND ONE ELECTRIC FIRE PUMP.

Permit Structure and Description of Operations

The Title V permit for SPAGNOLI ROAD ENERGY CENTER is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the

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outdoor atmosphere, including any appurtenant exhaust system or air cleaning device.

[NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

SPAGNOLI ROAD ENERGY CENTER is defined by the following emission unit(s):

Emission unit U00001 - EMISSION UNIT U00001 REPRESENTS ONE GE7FA COMBUSTION TURBINE RATED AT 1,950 MMBTU/HR (-5 D F-NATURAL GAS FIRING ONLY). THE TURBINE IS EQUIPPED WITH AN UNFIRED HEAT RECOVERY STEAM GENERATOR (HRSGS), WHICH SUPPLIES STEAM TO ONE STEAM TURBINE. THE COMBINED CYCLE UNIT WILL VENT TO A 195-FOOT STACK. THE COMBINED CYCLE FACILITY WILL GENERATE APPROXIMATELY 250 MW OF POWER.

Emission unit U00001 is associated with the following emission points (EP):
00001

It is further defined by the following process(es):

Process: P01 is located at GROUND, Building BLDG01 - EMISSION UNIT U00001 REPRESENTS ONE NATURAL GAS-FIRED GE 7FA COMBUSTION TURBINE, RATED AT 1,788 MMBTU/HR DURING AVERAGE AMBIENT CONDITIONS (51.3 D F) AND 1,950 MMBTU/HR MAXIMUM (AT -5 D F). PROCESS P01 REPRESENTS NATURAL GAS OPERATION OF THE COMBUSTION TURBINE AND THE TURBINE WILL BE LIMITED TO NATURAL GAS FIRING ONLY. DRY LOW NOX COMBUSTION TECHNOLOGY AND SELECTIVE CATALYTIC REDUCTION (SCR) WILL BE EMPLOYED FOR CONTROL OF NO_x EMISSIONS. EMISSIONS WILL ALSO BE CONTROLLED BY THE USE OF AN OXIDATION CATALYST. THE TOTAL THROUGHPUT LIMITS SPECIFIED BELOW REPRESENT THE MAXIMUM FUEL USAGE, ON AN HOURLY AND ANNUAL BASIS.

Title V/Major Source Status

SPAGNOLI ROAD ENERGY CENTER is subject to Title V requirements. This determination is based on the following information:

This facility is subject to Title V permitting because the emissions of oxides of nitrogen (NO_x) are above the major source threshold. The NO_x emissions are estimated to be 57.3 tons per year and the major source threshold for NO_x in this area is 25 tons per year (Note: This facility is located in a severe non-attainment area for ozone).

Program Applicability

The following chart summarizes the applicability of SPAGNOLI ROAD ENERGY CENTER with regards to the principal air pollution regulatory programs:

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Regulatory Program	Applicability
PSD	NO
NSR (non-attainment)	YES
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	NO
NSPS	YES
TITLE IV	YES
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR Part 231) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's)

MACT Maximum Achievable Control Technology (40 CFR 63) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

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NSPS New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
4911	ELECTRIC SERVICES

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SCC Codes

SCC or Source Classification Code is a code developed and used by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information. Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code	Description
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Series code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000086-73-7	FLUORENE (HAP)	> 0	but < 10 tpy
000106-99-0	1, 3-BUTADIENE (HAP)	> 0	but < 10 tpy
000083-32-9	ACENAPHTHENE (HAP)	> 0	but < 10 tpy
000208-96-8	ACENAPHTHYLENE (HAP)	> 0	but < 10 tpy
000075-07-0	ACETALDEHYDE (HAP)	> 0	but < 10 tpy
000107-02-8	ACROLEIN (HAP)	> 0	but < 10 tpy
007664-41-7	AMMONIA	>= 50	tpy but < 100 tpy
000120-12-7	ANTHRACENE (HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
000056-55-3	BENZO (A) ANTHRACENE (HAP)	> 0	but < 10 tpy

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000050-32-8	BENZO (A) PYRENE (HAP)	> 0 but < 10 tpy
000205-99-2	BENZO [B] FLUORANTHENE (HAP)	> 0 but < 10 tpy
000191-24-2	BENZO [G, H, I] PERYLENE (HAP)	> 0 but < 10 tpy
000207-08-9	BENZO [K] FLUORANTHENE (HAP)	> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	116600
000218-01-9	CHRYSENE (HAP)	> 0 but < 10 tpy
000053-70-3	DIBENZ [A, H] ANTHRACENE (HAP)	> 0 but < 10 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0 but < 10 tpy
000206-44-0	FLUORANTHENE (HAP)	> 0 but < 10 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0 but < 10 tpy
0NY100-00-0	HAP	>= 2.5 tpy but < 10 tpy
000193-39-5	INDENO [1, 2, 3-CD] PYRENE (HAP)	> 0 but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 50 tpy but < 100 tpy
0NY075-00-0	PARTICULATES	>= 50 tpy but < 100 tpy
000085-01-8	PHENANTHRENE (HAP)	> 0 but < 10 tpy
0NY075-00-5	PM-10	>= 50 tpy but < 100 tpy
000075-56-9	PROPANE, 1, 2-EPOXY- (HAP)	> 0 but < 10 tpy
000129-00-0	PYRENE (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 10 tpy but < 25 tpy
007664-93-9	SULFURIC ACID	>= 2.5 tpy but < 10 tpy
000108-88-3	TOLUENE (HAP)	> 0 but < 10 tpy
0NY998-00-0	VOC	>= 10 tpy but < 25 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 0 but < 10 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

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

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with

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emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

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

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

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

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

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

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

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

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

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

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

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions

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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 - 6NYCRR Part 201-1.7

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

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

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

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

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

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

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

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control requirements, regulations, or law.

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

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

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

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

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

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

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

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

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of

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a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

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

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

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

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

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

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

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

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

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment

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(including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and

iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

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

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

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

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

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

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

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

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

- i. The ability of the Department to seek to bring suit on behalf of the State of New York, or the Administrator to seek to bring suit on behalf of the United States, to immediately restrain any person causing or contributing to pollution presenting an imminent and substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;
- ii. The liability of a permittee of the Title V facility for any violation of applicable requirements prior to or at the time of permit issuance;
- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

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

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pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

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

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

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

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item AA: Open Fires - 6 NYCRR Part 215

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

Item BB: Permit Exclusion - ECL 19-0305

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

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

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

The owner or operator of the permitted facility must maintain all

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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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301.	Powers and Duties of the Department with respect to air pollution control	84
U-00001/00001 FACILITY	40CFR 60-A. 40CFR 60-A.11	General provisions General provisions - compliance with standards and maintenance requirements	79 47
FACILITY	40CFR 60-A.11 (a)	General provisions - compliance with standards and maintenance requirements	48
FACILITY	40CFR 60-A.11 (d)	General provisions - compliance with standards and maintenance requirements	49
FACILITY	40CFR 60-A.12	General provisions - Circumvention	50
FACILITY	40CFR 60-A.13	General provisions - Monitoring requirements	51
FACILITY	40CFR 60-A.14	General provisions - Modification	52
FACILITY	40CFR 60-A.15	General provisions - Reconstruction	53
FACILITY	40CFR 60-A.4	General provisions - Address	34
FACILITY	40CFR 60-A.7 (a)	Notification and Recordkeeping	35
FACILITY	40CFR 60-A.7 (b)	Notification and Recordkeeping	36
FACILITY	40CFR 60-A.7 (c)	Notification and Recordkeeping	37
FACILITY	40CFR 60-A.7 (d)	Notification and Recordkeeping	38
FACILITY	40CFR 60-A.7 (f)	Notification and Recordkeeping	39
FACILITY	40CFR 60-A.8 (a)	Performance Tests	40
FACILITY	40CFR 60-A.8 (b)	Performance Tests	41
FACILITY	40CFR 60-A.8 (c)	Performance Tests	42
FACILITY	40CFR 60-A.8 (d)	Performance Tests	43
FACILITY	40CFR 60-A.8 (e)	Performance Tests	44
FACILITY	40CFR 60-A.8 (f)	Performance Tests	45
FACILITY	40CFR 60-A.9	General provisions - Availability of	46

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U-00001/00001	40CFR 60-GG.332(a) (1)	information Standard for Nitrogen Oxides for Gas Turbines > 100 mmBtu/hr	80
U-00001/00001	40CFR 60-GG.333	Standard for Sulfur Dioxide	81
U-00001/00001	40CFR 60-GG.333 (a)	Standard for Sulfur Dioxide	82
U-00001/00001	40CFR 60-GG.333 (b)	Standard for Sulfur Dioxide	83
U-00001	40CFR 60-GG.334 (b)	Fuel Sulfur and Nitrogen Content Monitoring Requirements	78, 77
FACILITY	40CFR 68.	Chemical accident prevention provisions	54
FACILITY	40CFR 75-F.53 (e)	Record Keeping Requirements - Monitoring Plan	55
FACILITY	40CFR 75-F.53 (f)	Contents of the monitoring plan for specific situations	56
FACILITY	40CFR 75-F.54 (a)	CEM recordkeeping requirements - general recordkeeping provisions	57
FACILITY	40CFR 75-F.58 (b) (2)	General Record Keeping Provisions for Specific Situations	58
FACILITY	40CFR 75-F.58 (b) (3)	Record Keeping Requirements for Units with Add-On NOx and SOx emissions controls	59
FACILITY	40CFR 75-F.58 (c)	Specific SO2 emission record provisions for gas-fired or oil fired units using optional protocol in Appendix D	60
FACILITY	40CFR 82-F.	Protection of Stratospheric Ozone - recycling and emissions reduction	61, 62
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	85
FACILITY	6NYCRR 201-6.	Title V Permits and the Associated Permit Conditions	63, 1, 64
U-00001	6NYCRR 201-6.1 (a)	Requirement for a Title V facility permit	65, 66, 67, 68
FACILITY	6NYCRR 201-6.1 (a) (1)	Requirement for a Title V facility permit - major stationary source	5, 7, 9, 2, 4, 6, 8, 3
FACILITY	6NYCRR 201-6.5 (c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	10
FACILITY	6NYCRR 201-6.5 (c) (2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	11
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	12
FACILITY	6NYCRR 201-6.5 (e)	Compliance Certification	13

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FACILITY	6NYCRR 201-6.5 (g)	Permit shield	14
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	15
FACILITY	6NYCRR 202-2.1 (a)	Emission Statements - ozone nonattainment area applicability	16
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	17
FACILITY	6NYCRR 204-1.6	Standard Requirements	18
FACILITY	6NYCRR 204-2.1	Authorization and Responsibilities of the NOx Authorized Account Representative	19
FACILITY	6NYCRR 204-4.1	Compliance Certification Report	20
FACILITY	6NYCRR 204-7.1	Submission of NOx Allowance Transfers	21
FACILITY	6NYCRR 204-8.1	General Requirements	22, 23, 24
FACILITY	6NYCRR 204-8.2	Initial Certification and Recertification Procedures	25, 26
FACILITY	6NYCRR 204-8.3	Out of Control Periods	27
FACILITY	6NYCRR 204-8.4	Notifications	28
FACILITY	6NYCRR 204-8.7	Additional Requirements to Provide Heat Input Data for Allocations Purposes	29
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	86
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	31, 30
U-00001	6NYCRR 227-1.3 (a)	Smoke Emission Limitations.	69
FACILITY	6NYCRR 231-2.4	Permit Requirements	33, 32
U-00001	6NYCRR 231-2.5	Lowest achievable emission rate, LAER	76, 71, 72, 73, 74, 75, 70

Applicability Discussion:

Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-301.

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

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6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6NYCRR Part 201-6.5(c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6NYCRR Part 201-6.5(c)(2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6NYCRR Part 201-6.5(e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6NYCRR Part 201-6.5(g)

Permit Exclusion Provisions - specifies those actions, such as administrative orders, suits, claims for natural resource damages, etc that are not affected by the federally enforceable portion of the permit, unless they are specifically addressed by it.

6NYCRR Part 202-2.1

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

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6NYCRR Part 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

6NYCRR Part 211-.2

This regulation prohibits any emissions of air contaminants to the outdoor atmosphere which may be detrimental to human, plant or animal life or to property, or which unreasonably interferes with the comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR Part 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

40 CFR Part 68.

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, SPAGNOLI ROAD ENERGY CENTER has been determined to be subject to the following regulations:

40CFR 60-A.

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40CFR 60-A.11

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This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40CFR 60-A.11 (a)

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40CFR 60-A.11 (d)

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40CFR 60-A.12

This regulation prohibits an owner or operator from concealing emissions in violation of applicable standards by any means.

40CFR 60-A.13

This regulation specifies how monitoring shall be performed and which methods and appendices are used to determine if the monitoring is adequate and in compliance with the regulated standards.

40CFR 60-A.14

This regulation defines the term modification and what is and is not considered to be a modification, for the purpose of rule applicability.

40CFR 60-A.15

This regulation defines the term reconstruction and what is and is not considered to be a reconstruction project, for the purpose of rule applicability.

40CFR 60-A.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Enforcement and Compliance Assurance.

40CFR 60-A.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required.

40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40CFR 60-A.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems

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performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40CFR 60-A.7 (d)

This condition specifies the required information and format for a summary report form and details when either a summary form and/or excess emissions reports are required.

40CFR 60-A.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40CFR 60-A.8 (a)

This regulation contains the requirements for the completion date and reporting of Performance Testing (stack testing), at the facility. Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup, the owner or operator of the facility must conduct performance test(s) and furnish a written report of the test results.

40CFR 60-A.8 (b)

This regulation contains the requirements for Performance test methods and procedures, to be used by the owner or operator, of the affected facility.

40CFR 60-A.8 (c)

This condition contains the requirements for operating conditions, of the emission source, during performance testing.

40CFR 60-A.8 (d)

This regulation contains the requirements for advance notification of Performance (stack) testing.

40CFR 60-A.8 (e)

This regulation requires the facility to provide appropriate sampling ports, safe platforms and utilities as necessary for Performance (stack) testing.

40CFR 60-A.8 (f)

This regulation requires that Performance (stack) tests consist of three runs unless otherwise specified. The rule also designates the allowable averaging methods for the analysis of the results.

40CFR 60-A.9

This rule citation allows the public access to any information submitted to the EPA Administrator (or state contact), in conjunction with a project subject to this section of the regulation.

40CFR 60-GG.332 (a) (1)

This regulation provides the equation to be used to determine the allowable emissions of oxides of nitrogen (NO_x) from a gas turbine with a heat input greater than 100 million BTU per hour.

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40CFR 60-GG.333

This regulation sets the emission limit of sulfur dioxide from a gas turbine at 0.015 % by volume at 15% excess oxygen.

40CFR 60-GG.333 (a)

This regulation sets the emission limit of sulfur dioxide from a gas turbine at 0.015 % by volume at 15% excess oxygen

40CFR 60-GG.333 (b)

This regulation limits the amount of sulfur in the fuel burned in a gas turbine to 0.8% by weight

40CFR 60-GG.334 (b)

This regulation requires the owner/operator of the gas turbine to monitor (measure) the sulfur and nitrogen content of the fuel being fired in the turbine.

40CFR 68 .

This Part lists the regulated substances and their applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40CFR 75-F.53 (e)

This regulation specifies the information that must be contained in the monitoring plan for the continuous emissions monitor.

40CFR 75-F.53 (f)

This regulation sets forth the requirements of the monitoring plan for continuous emissions monitors for specific situations, such as oil or gas fired units in which the owner or operator opts to use the protocols in Appendix E of 40 CFR Part 75.

40CFR 75-F.54 (a)

This regulation requires the owner or operator of the facility to maintain records for continuous emissions monitoring for a period of three (3) years.

40CFR 75-F.58 (b) (2)

This regulation sets forth the requirements for record keeping for units with add-on NO_x emissions controls using the optional parametric monitoring procedures in Appendix C of 40 CFR Part 75 for each hour of missing NO_x emission rate data.

40CFR 75-F.58 (b) (3)

This regulation sets for the record keeping requirements, for units with add-on NO_x or SO_x emissions controls, for missing emissions data.

40CFR 75-F.58 (c)

This regulation specifies the requirements applicable for facilities that opt to use the protocol outlined in Appendix D of 40 CFR 75 for monitoring emissions of sulfur dioxide.

6NYCRR 201-6.1 (a)

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This regulation requires the following stationary sources to obtain a Title V permit:

1. Any major stationary source;
2. Any stationary source subject to a New Source Performance Standard (NSPS) in 40 CFR 60;
3. Any stationary source regulating hazardous air pollutants (HAP's);
4. Any affected source (subject to the Acid Rain requirements under Title IV of the Act);
5. Any stationary source in a category designated by the EPA or the department as per rulemaking.

6NYCRR 201-6.1 (a) (1)

This section requires that major facilities obtain a Title V permit. A major stationary source or major source is defined under Part 201-2.1(b)(21) as follows:

Any stationary source, or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control, belonging to a single major industrial grouping and that are described in paragraphs (i), (ii), or (iii) of this definition. For the purposes of defining "major stationary source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two digit code), as described in the Standard Industrial Classification Manual, 1987. Stand alone or common wall residential housing units including compatible commercial activities, which are not regulated by other applicable requirements, where the potential to emit for individual associated combustion sources is below major source applicability thresholds (notwithstanding that the sum of these individual combustion sources could exceed major source applicability thresholds) shall not be considered a major source.

(i) For hazardous air pollutants other than radionuclides, a major source is defined as any stationary emission units or group of stationary emission units located within a contiguous area, under common control, that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant as defined in Part 200 of this Title (including any fugitive emissions of such pollutant), 25 tpy or more of any combination of such hazardous air pollutants (including any fugitive emissions of such pollutants), or such lesser quantity as the Administrator may establish by rule. For radionuclides, major source shall also have the meaning specified by the Administrator by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or oil and gas production well (with its associated equipment) and the emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are "major facilities".

(ii) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant regulated under the Act (including any "major source" of fugitive emissions of any such pollutant). With the exception of emissions of hazardous air pollutants, the fugitive emissions shall not be considered in determining whether it is a major stationary source unless the facility belongs to one of the following categories:

- (A) Coal Cleaning plants (with thermal dryers);**
- (B) Kraft pulp mills;**
- (C) Portland cement plants;**
- (D) Primary zinc smelters;**

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- (E) Iron and steel mills;**
- (F) Primary aluminum ore reduction plants;**
- (G) Primary copper smelters;**
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;**
- (I) Hydrofluoric, sulfuric, or nitric acid plants;**
- (J) Petroleum refineries;**
- (K) Lime plants;**
- (L) Phosphate rock processing plants;**
- (M) Coke oven batteries;**
- (N) Sulfur recovery plants;**
- (O) Carbon black plants (furnace process);**
- (P) Primary lead smelters;**
- (Q) Fuel conversion plants;**
- (R) Sintering plants;**
- (S) Secondary metal production plants;**
- (T) Chemical process plants;**
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;**
- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;**
- (W) Taconite ore processing plants;**
- (X) Glass fiber processing plants;**
- (Y) Charcoal production plants;**
- (Z) Fossil-fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input; or**
- (AA) All other source categories regulated by a standard under Sections 111, for which EPA has completed a rulemaking proceeding under 302(j) of the Act or 112 of the Act , but only with respect to those air pollutants that have been regulated for that category as of the effective date of this Part; and**
- (BB) Municipal solid waste landfills.**

(iii) Fugitive emissions shall not be considered in determining whether the facility is a major stationary source in a nonattainment area or ozone transport region unless the facility belongs to one of the categories listed in subparagraph (ii). A major stationary source is defined in a nonattainment area and ozone transport region as follows:

(A) For ozone nonattainment areas, stationary sources with the potential to emit 100 tpy or more of oxides of nitrogen (NO_x) or 50 tons per year or more of volatile organic compounds (VOC), in areas classified as "marginal" or "moderate," 25 tpy or more of NO_x or VOCs in areas classified as "severe."

(B) In ozone transport regions, stationary sources with the potential to emit 50 tpy or more of volatile organic compounds or 100 tpy of NO_x.

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(C) For carbon monoxide nonattainment areas (1) that are classified as "moderate", and (2) in which stationary sources contribute significantly to carbon monoxide levels, those stationary sources with the potential to emit 50 tpy or more of carbon monoxide.

(D) For particulate matter (PM-10) nonattainment areas classified as "moderate," sources with the potential to emit 100 tpy or more of PM-10.

6NYCRR 201-6.5 (c)

This requirement specifies what information must be included in any records and reports that are to be maintained or submitted as a result of any compliance monitoring. Records of all monitoring data and support information is to be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Reports of any required monitoring as a result of a federally applicable requirement needs to be submitted every 6 months, at a minimum. Finally, the permit needs to include a notification and reporting process for permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5 (c) (2)

This requirement specifies what information must be included in any records and reports that are to be maintained or submitted as a result of any compliance monitoring. Records of all monitoring data and support information is to be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Reports of any required monitoring as a result of a federally applicable requirement needs to be submitted every 6 months, at a minimum. Finally, the permit needs to include a notification and reporting process for permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 202-2.1 (a)

This regulation specifies the applicability criteria for submitting an emission statement to the department for sources located in ozone nonattainment areas. The criteria are based on the potential to emit a regulated air contaminant at a rate which equals or exceeds the following thresholds in tons per year:

Volatile Organic Compounds (VOC) - 25

Oxides of Nitrogen (NO_x) - 25

Carbon Monoxide (CO) - 100

Sulfur Dioxide (SO₂) - 100

Particulate Matter, diameters less than 10 microns (PM₁₀) - 100

Lead and its compounds (measured as elemental lead) - 5

Any one hazardous air pollutant - 10

Combination of hazardous air pollutants - 25

Any other regulated air pollutant - 100

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6NYCRR 204-1.6

This condition requires the designated representative of the permittee to make submissions for the NOx Budget Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-2.1

This condition states the submission requirements for the NOx Budget Trading Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-4.1

This condition covers the compliance certification report requirements for the NOx Budget Program.

6NYCRR 204-7.1

This condition lists the requirements for transfer of allowances in the NOx Budget Program.

6NYCRR 204-8.1

This condition lists the general requirements for the NOx Budget trading program. They include, but are not limited to monitoring requirements, certification, record keeping and reporting.

6NYCRR 204-8.2

This condition covers the procedures for initially certifying and recertifying the monitoring systems of the unit meet the requirements of the NOx Budget Program

6NYCRR 204-8.3

This condition states the requirements for data substitution during times when the monitoring systems do not meet applicable quality assurance requirements.

6NYCRR 204-8.4

This condition lists the addresses where monitoring plans and their modifications, compliance certifications, recertifications, quarterly QA/QC reports and petitions for alternative monitoring shall be sent.

6NYCRR 204-8.7

This condition is a requirement for monitoring and reporting if a particular monitoring scenario is utilized.

6NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6NYCRR 231-2.4

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the

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ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

The permitting requirements for proposed source projects and new major facilities are set forth in section 231-2.4.

6NYCRR 231-2.5

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In the New York City metropolitan area, carbon monoxide is also a non-attainment contaminant. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

Emission controls equivalent to the lowest achievable emission rate (LAER) must be implemented for each contaminant for which Subpart 231-2 is applicable for a given source project or new major facility. LAER is defined as the most stringent emission limitation achieved in practice or which can be expected to be achieved in practice for a category of emission sources taking into consideration each air contaminant which must be controlled (6 NYCRR 200.1(ak)).

ECL 19-0301.

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Short Description	Regulation
U-00001	Continuous emission monitoring - specific provisions for monitoring SO2 emissions units with SO2 CEM gaseous fuel	40CFR 75-B.11(e)
Reason: Since the combustion turbine is limited to natural gas firing only, continuous emission monitoring of SO2 is not required. An alternative monitoring method including fuel flow and fuel sulfur content content will be developed for Agency approval.		

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.5(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

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Compliance Certification

Summary of monitoring activities at SPAGNOLI ROAD ENERGY CENTER:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
U-00001/00001	intermittent emission testing	82
U-00001/00001	monitoring of process or control device parameters as surrogate	83
U-00001	record keeping/maintenance procedures	77
U-00001	record keeping/maintenance procedures	78
FACILITY	record keeping/maintenance procedures	55
FACILITY	record keeping/maintenance procedures	56
FACILITY	record keeping/maintenance procedures	57
FACILITY	record keeping/maintenance procedures	58
FACILITY	record keeping/maintenance procedures	59
U-00001	work practice involving specific operations	65
U-00001	continuous emission monitoring (cem)	66
U-00001	continuous emission monitoring (cem)	67
U-00001	continuous emission monitoring (cem)	68
FACILITY	monitoring of process or control device parameters as surrogate	2
FACILITY	continuous emission monitoring (cem)	3
FACILITY	monitoring of process or control device parameters as surrogate	4
FACILITY	intermittent emission testing	5
FACILITY	monitoring of process or control device parameters as surrogate	6
FACILITY	intermittent emission testing	7
FACILITY	monitoring of process or control device parameters as surrogate	8
FACILITY	continuous emission monitoring (cem)	9
FACILITY	record keeping/maintenance procedures	12
FACILITY	record keeping/maintenance procedures	13
FACILITY	record keeping/maintenance procedures	15
FACILITY	record keeping/maintenance procedures	16
FACILITY	record keeping/maintenance procedures	20
FACILITY	record keeping/maintenance procedures	26
FACILITY	record keeping/maintenance procedures	28
FACILITY	record keeping/maintenance procedures	29
FACILITY	monitoring of process or control device parameters as surrogate	30
FACILITY	monitoring of process or control device parameters as surrogate	31
U-00001	monitoring of process or control device parameters as surrogate	69
U-00001	continuous emission monitoring (cem)	70
U-00001	continuous emission monitoring (cem)	71
U-00001	intermittent emission testing	72
U-00001	intermittent emission testing	73
U-00001	intermittent emission testing	74
U-00001	continuous emission monitoring (cem)	75
U-00001	continuous emission monitoring (cem)	76

Basis for Monitoring

Facility is subject to the following monitoring requirements:

Opacity: The 20% opacity limit required under 6NYCRR Parts 211 and 227.1 shall require visual observation according to 40CFR60 Appendix A, Method 9.

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NOx and CO emissions shall require initial stack testing to demonstrate compliance with emission limits. Continuous Emission Monitors (CEM) shall be installed to verify continuous compliance with stated emission limits.

Particulate matter, VOC, and Ammonia emissions shall require initial stack testing to demonstrate compliance with emission limits.