



**New York State Department of Environmental Conservation
Permit Review Report**

**Permit ID: 1-4726-01500/00001
Renewal Number: 1
02/23/2010**

**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

Application for renewal of Air Title V Facility.

A new 250-megawatt (nominal) natural gas fired combined cycle electric power generation facility. The major components of the facility include one combustion turbine, GE7FA, 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.

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:

Application for renewal of Air Title V Facility.

A new 250-megawatt (nominal) natural gas fired combined cycle electric power generation facility. The



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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.

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 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 (HRSG), 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

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 will be used for control of NOx and associated emissions. VOC and CO 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:

Facility has not been built yet. Required reports are being submitted on time.

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.

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.



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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

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 Service code is an identifier assigned to every

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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
000106-99-0	1,3-BUTADIENE		> 0 but < 10 tpy
000083-32-9	ACENAPHTHENE		> 0 but < 10 tpy
000208-96-8	ACENAPHTHYLENE		> 0 but < 10 tpy
000075-07-0	ACETALDEHYDE		> 0 but < 10 tpy
000107-02-8	ACROLEIN		> 0 but < 10 tpy
007664-41-7	AMMONIA		>= 50 tpy but < 100 tpy
000120-12-7	ANTHRACENE		> 0 but < 10 tpy
007440-38-2	ARSENIC		> 0 but < 10 tpy
000071-43-2	BENZENE		> 0 but < 10 tpy
000056-55-3	BENZO (A) ANTHRACENE		> 0 but < 10 tpy
000050-32-8	BENZO (A) PYRENE		> 0 but < 10 tpy
000205-99-2	BENZO [B] FLUORANTHENE		> 0 but < 10 tpy
000191-24-2	BENZO [G, H, I] PERYLENE		> 0 but < 10 tpy
000207-08-9	BENZO [K] FLUORANTHENE		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	116600	
000218-01-9	CHRYSENE		> 0 but < 10 tpy
000053-70-3	DIBENZ [A, H] ANTHRACENE		> 0 but < 10 tpy
000100-41-4	ETHYLBENZENE		> 0 but < 10 tpy
000206-44-0	FLUORANTHENE		> 0 but < 10 tpy
000086-73-7	FLUORENE		> 0 but < 10 tpy
000050-00-0	FORMALDEHYDE		> 0 but < 10 tpy
0NY100-00-0	HAP		>= 2.5 tpy but < 10 tpy
000193-39-5	INDENO [1, 2, 3-CD] PYRENE		> 0 but < 10 tpy
000091-20-3	NAPHTHALENE		> 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		> 0 but < 10 tpy
0NY075-00-5	PM-10		>= 50 tpy but < 100 tpy
000075-56-9	PROPANE, 1,2-EPOXY-PYRENE		> 0 but < 10 tpy
000129-00-0	PYRENE		> 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

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000108-88-3	TOLUENE	tpy
0NY998-00-0	VOC	> 0 but < 10 tpy
		>= 10 tpy but < 25
001330-20-7	XYLENE, M, O & P	tpy
	MIXT.	> 0 but < 10 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

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

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

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

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

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

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

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

Item C: Timely Application for the Renewal of Title V Permits -6 NYCRR 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 D: 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.



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- Item E: 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 F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR Part 201-6.5(a)(3)**
This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.5(a)(5)**
It shall not be a defense for a permittee in an enforcement action to claim that a cessation or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.
- Item H: Property Rights - 6 NYCRR 201-6.5(a)(6)**
This permit does not convey any property rights of any sort or any exclusive privilege.
- Item I: Severability - 6 NYCRR 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 J: 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;



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- iii. The applicable requirements of Title IV of the Act;
- iv. The ability of the Department or the Administrator to obtain information from the permittee concerning the ability to enter, inspect and monitor the facility.

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

Item L: Permit Exclusion - ECL 19-0305

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

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

All terms and conditions in this permit required by the Act or any applicable requirement,

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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 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	Condition	Short Description
-- FACILITY	ECL 19-0301	93	Powers and Duties of the Department with respect to air pollution control
U-00001/00001 FACILITY	40CFR 60-A 40CFR 60-A.11	90 64	General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.11 (d)	65	General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.12	66	General provisions - Circumvention
FACILITY	40CFR 60-A.13	67	General provisions - Monitoring requirements
FACILITY	40CFR 60-A.14	68	General provisions - Modification
FACILITY	40CFR 60-A.15	69	General provisions - Reconstruction
FACILITY	40CFR 60-A.4	52	General provisions -

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FACILITY	40CFR 60-A.7 (a)	53	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (b)	54	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (d)	55	Notification and Recordkeeping
FACILITY	40CFR 60-A.7 (f)	56	Notification and Recordkeeping
FACILITY	40CFR 60-A.8 (a)	57	Performance Tests
FACILITY	40CFR 60-A.8 (b)	58	Performance Tests
FACILITY	40CFR 60-A.8 (c)	59	Performance Tests
FACILITY	40CFR 60-A.8 (d)	60	Performance Tests
FACILITY	40CFR 60-A.8 (e)	61	Performance Tests
FACILITY	40CFR 60-A.8 (f)	62	Performance Tests
FACILITY	40CFR 60-A.9	63	General provisions - Availability of information
U-00001/00001	40CFR 60-GG.333 (a)	91	Standard for Sulfur Dioxide
U-00001/00001	40CFR 60-GG.333 (b)	92	Standard for Sulfur Dioxide
U-00001	40CFR 60-GG.334 (b)	88, 89	Monitoring of Operations: CEMS
FACILITY	40CFR 68	20	Chemical accident prevention provisions
FACILITY	40CFR 75-F.53 (e)	70	Record Keeping Requirements - Monitoring Plan
FACILITY	40CFR 75-F.53 (f)	71	Contents of the monitoring plan for specific situations
FACILITY	40CFR 75-F.54 (a)	72	CEM recordkeeping requirements - general recordkeeping provisions
FACILITY	40CFR 75-F.58 (b) (2)	73	General Record Keeping Provisions for Specific Situations
FACILITY	40CFR 75-F.58 (b) (3)	74	Record Keeping Requirements for Units with Add-On NOx and SOx emissions controls
FACILITY	40CFR 82-F	21	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	9	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	94	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	10	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	11	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	12	Exempt Activities - Proof of eligibility



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FACILITY	6NYCRR 201-3.3 (a)	13	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	22, 75, 76	Title V Permits and the Associated Permit Conditions
U-00001	6NYCRR 201-6.1 (a)	77, 78, 79, 80	Requirement for a Title V facility permit
FACILITY	6NYCRR 201-6.1 (a) (1)	23, 24, 25, 26, 27, 28, 29	Requirement for a Title V facility permit - major stationary source
FACILITY	6NYCRR 201-6.5 (a) (4)	14	General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	2	General conditions
FACILITY	6NYCRR 201-6.5 (a) (8)	15	Fees
FACILITY	6NYCRR 201-6.5 (c)	3	General conditions
FACILITY	6NYCRR 201-6.5 (c) (2)	4	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	5	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (d) (5)	16	Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	30	Compliance Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	17	Off Permit Changes
FACILITY	6NYCRR 201-6.5 (g)	31	Permit shield
FACILITY	6NYCRR 202-1.1	18	Required emissions tests.
FACILITY	6NYCRR 202-2.1	6	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.1 (a)	32	Emission Statements - ozone nonattainment area applicability
FACILITY	6NYCRR 202-2.5	7	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	95	General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 211.3	19	General Prohibitions - visible emissions limited
FACILITY	6NYCRR 215.2	8	Open Fires - Prohibitions
U-00001	6NYCRR 227-1.3 (a)	81	Smoke Emission Limitations.
FACILITY	6NYCRR 231-2.4	33	Permit Requirements
U-00001	6NYCRR 231-2.5	82, 83, 84, 85, 86, 87	Lowest achievable emission rate, LAER
FACILITY	6NYCRR 237-1.6 (a)	96	Standard permit requirements
FACILITY	6NYCRR 237-1.6 (c)	97	Nitrogen oxides requirements
FACILITY	6NYCRR 237-1.6 (f)	98	Liability
FACILITY	6NYCRR 237-1.6 (g)	99	Effect on other authorities
FACILITY	6NYCRR 237-2	100	NOx Authorized account

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FACILITY	6NYCRR 237-4.1	101	representative for NOx budget sources Compliance certification report.
FACILITY	6NYCRR 237-7.1	102	Submission of NOx allowance transfers
FACILITY	6NYCRR 237-8	103	MONITORING AND REPORTING
FACILITY	6NYCRR 238-1.6 (a)	104	Permit Requirements
FACILITY	6NYCRR 238-1.6 (c)	105	Sulfur Dioxide requirements
FACILITY	6NYCRR 238-1.6 (e)	106	Recordkeeping and Reporting Requirements
FACILITY	6NYCRR 238-1.6 (f)	107	Liability
FACILITY	6NYCRR 238-1.6 (g)	108	Effect on Other Authorities
FACILITY	6NYCRR 238-2.1	109	Authorization/responsibilities of the authorized account representative
FACILITY	6NYCRR 238-4.1	110	Compliance certification report
FACILITY	6NYCRR 238-7.1	111	Submission of SO2 allowance transfers
FACILITY	6NYCRR 238-8	112	Monitoring and Reporting
FACILITY	6NYCRR 243-1.6 (a)	34	Permit Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (b)	35	Monitoring Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (c)	36	NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (d)	37	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (e)	38	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	39	Authorization and responsibilities - CAIR Designated Representative
FACILITY	6NYCRR 243-2.4	40	Certificate of representation - CAIR Designated Representative
FACILITY	6NYCRR 243-8.1	41	General Requirements - Monitoring and



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FACILITY	6NYCRR 243-8.5(d)	42	Reporting Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5(e)	43	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	44, 45	CAIR NOx Ozone Annual Trading Program General Provisions
FACILITY	6NYCRR 244-2	46	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	47	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	48, 49	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-2	50	CAIR Designated Representative for CAIR SO2 Sources
FACILITY	6NYCRR 245-8	51	Monitoring and Reporting for CAIR SO2 Trading Program

Applicability Discussion:

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

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.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 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.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8



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Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 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.

6 NYCRR 201-6.5 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.5 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.5 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 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.



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6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 201-6.5 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 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.

6 NYCRR 201-6.5 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 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.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

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

6 NYCRR 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.

6 NYCRR 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



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comfortable enjoyment of life or property regardless of the existence of any specific air quality standard or emission limit.

6 NYCRR 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.

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.

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:

40 CFR 60.11

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

40 CFR 60.11 (d)

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

40 CFR 60.12

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

40 CFR 60.13

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.

40 CFR 60.14

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



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40 CFR 60.15

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

40 CFR 60.333 (a)

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

40 CFR 60.333 (b)

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

40 CFR 60.334 (b)

This regulation allows the owner/operator of a gas turbine to use a CEMS to monitor NOx emissions instead of monitoring fuel and water/steam usage.

40 CFR 60.4

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 Quality Assurance (BQA).

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.8 (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.

40 CFR 60.8 (b)

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



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40 CFR 60.8 (c)

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

40 CFR 60.8 (d)

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

40 CFR 60.8 (e)

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

40 CFR 60.8 (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.

40 CFR 60.9

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.

40 CFR 75.53 (e)

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

40 CFR 75.53 (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.

40 CFR 75.54 (a)

Recordkeeping requirements for affected sources. The owner or operator of any affected source subject to the requirements of this part shall maintain for each affected unit a file of all measurements, data, reports, and other information required by this part at the source in a form suitable for inspection for at least five (5) years from the date of each record. Unless otherwise provided, throughout this subpart the phrase "for each affected unit" also applies to each group of affected or nonaffected units utilizing a common stack and common monitoring systems, pursuant to §§75.16 through 75.18, or utilizing a common pipe header and common fuel flowmeter, pursuant to section 2.1.2 of appendix D of this part.

40 CFR 75.58 (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.

40 CFR 75.58 (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.

40 CFR Part 60, Subpart 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



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and reporting requirements

6 NYCRR 201-6.1 (a)

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.

6 NYCRR 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.

(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.



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

6 NYCRR 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

6 NYCRR 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.

6 NYCRR 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 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.

6 NYCRR 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)).

6 NYCRR 237-1.6 (a)

This condition requires the applicant to submit a NO_x budget application for a permit and to operate in



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compliance with that permit.

6 NYCRR 237-1.6 (c)

This subdivision outlines the standard requirements of the Acid Deposition Reduction NOx Budget Trading Program for oxides of nitrogen.

6 NYCRR 237-1.6 (f)

This describes the liability issues regarding the requirements of the ADR NOx Budget Trading Program

6 NYCRR 237-1.6 (g)

This item states that no provision of the ADR NOx Budget Trading Program, a NOx budget permit application, or a NOx budget permit, will exempt or exclude the owners and operators from compliance with any other provisions of applicable State and federal law and regulations.

6 NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6 NYCRR 237-7.1

This item specifies what information and actions are necessary in order to record the transfer of NOx allowances.

6 NYCRR 238-1.6 (a)

This condition requires the applicant to submit a SO2 budget application for a permit and to operate in compliance with that permit.

6 NYCRR 238-1.6 (c)

This Item requires the owners and operators of each SO2 budget source and each SO2 budget unit to hold SO2 allowances available for compliance deductions under 6 NYCRR 238-6.5; and how such allowances will be managed.

6 NYCRR 238-1.6 (e)

This item requires the owners and operators of the SO2 budget source to keep on site at the source pertinent documents for a period of 5 years from the date the document is created.

6 NYCRR 238-1.6 (f)

This subdivision outlines the liability of an affected source.

6 NYCRR 238-1.6 (g)

This subdivision outlines the liability of an affected source as subject to other requirements.

6 NYCRR 238-2.1

This section outlines the authorization and responsibilities of the SO2 authorized account representative.

6 NYCRR 238-4.1

This section lists all of the requirements for the submission of the compliance certification report.

6 NYCRR 238-7.1

This section outlines the requirements for the submission of SO2 allowance transfers.



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6 NYCRR 243-1.6 (a)

This condition requires the facility to acknowledge that they are subject to this CAIR regulation and provide owner and contact information. It also requires them to update this information as it changes or provide supplemental information at the Departments request.

6 NYCRR 243-1.6 (b)

This condition obligates the owners and operators of the facility to comply with the monitoring and reporting requirements of the CAIR regulations.

6 NYCRR 243-1.6 (c)

This citation explains the general provisions of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program. This ozone season NOx cap and trade program runs from May 1 through September 30 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx Ozone Season allowances that is not less than the total tons of NOx emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NOx Ozone Season source that does not surrender enough CAIR NOx Ozone Season allowances to cover their NOx Ozone Season emissions.

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that an CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

6 NYCRR 243-2.4

This condition describes the required elements of the "Certificate of Representation" for the CAIR program and the certifying language required with submissions to the Department.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that CAIR NOx Ozone Season Trading Program sources must install, certify and operate monitoring systems the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what requirements the quarterly reports must meet.

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6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

This condition requires the permittee to select and authorize one person to manage, and represent the owners of any NO_x budget unit; and specifies the responsibilities of this NO_x authorized account representative

6 NYCRR Subpart 237-8

This item requires the owners and operators of a NO_x budget unit to comply with the monitoring and reporting requirements of 6 NYCRR 237-8 and Subpart H of 40 CFR part 75; and allows NO_x budget units which are also NO_x budget units under 6 NYCRR Part 204 to be summarily referenced in order to demonstrate compliance with the requirements of this item.

6 NYCRR Subpart 238-8

This condition requires the owner or operator of the facility to comply with the reporting and record keeping requirements of 40 CFR Part 75.

6 NYCRR Subpart 244-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NO_x) Annual Trading Program. The control period for this annual NO_x cap and trade program runs from January 1 to December 31 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NO_x allowances that is not less than the total tons of NO_x emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NO_x Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 244-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR NO_x unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in 40 CFR Part 75, Subparts F and G. A certified NO_x emission monitoring system must be used to measure NO_x emissions. NO_x emission reports must be certified and submitted quarterly.

6 NYCRR Subpart 245-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) sulfur dioxide (SO₂) Trading Program. The control period for this annual SO₂ cap and trade program runs from January 1 to December 31, starting in the year 2010. Each source shall hold a tonnage equivalent in CAIR SO₂ allowances that is not less than the total tons of SO₂ emissions for the control period.



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6 NYCRR Subpart 245-2

Each Clean Air Interstate Rule (CAIR) SO2 source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR SO2 Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 245-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO2 unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO2 emission monitoring system must be used to measure SO2 emissions. SO2 emission reports must be certified and submitted quarterly.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Regulation	Short Description
U-00001	40 CFR 75.11 (e)	Continuous emission monitoring - specific provisions for monitoring SO2 emissions units with SO2 CEM gaseous fuel

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.

Compliance Certification

Summary of monitoring activities at SPAGNOLI ROAD ENERGY CENTER:

Location	Cond No.	Type of Monitoring
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Facility/EU/EP/Process/ES

U-00001/00001	91	intermittent emission testing
U-00001/00001	92	monitoring of process or control device parameters as surrogate
U-00001	88	record keeping/maintenance procedures
U-00001	89	record keeping/maintenance procedures
FACILITY	70	record keeping/maintenance procedures
FACILITY	71	record keeping/maintenance procedures
FACILITY	72	record keeping/maintenance procedures
FACILITY	73	record keeping/maintenance procedures
FACILITY	74	record keeping/maintenance procedures
U-00001	77	continuous emission monitoring (cem)
U-00001	78	continuous emission monitoring (cem)
U-00001	79	work practice involving specific operations
U-00001	80	continuous emission monitoring (cem)
FACILITY	23	monitoring of process or control device parameters as surrogate
FACILITY	24	monitoring of process or control device parameters as surrogate
FACILITY	25	intermittent emission testing
FACILITY	26	continuous emission monitoring (cem)
FACILITY	27	monitoring of process or control device parameters as surrogate
FACILITY	28	monitoring of process or control device parameters as surrogate
FACILITY	29	continuous emission monitoring (cem)
FACILITY	5	record keeping/maintenance procedures
FACILITY	30	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
U-00001	81	monitoring of process or control device parameters as surrogate
U-00001	82	continuous emission monitoring (cem)
U-00001	83	continuous emission monitoring (cem)
U-00001	84	intermittent emission testing
U-00001	85	intermittent emission testing
U-00001	86	intermittent emission testing
U-00001	87	continuous emission monitoring (cem)
FACILITY	97	record keeping/maintenance procedures
FACILITY	101	record keeping/maintenance procedures
FACILITY	103	record keeping/maintenance procedures
FACILITY	105	record keeping/maintenance procedures
FACILITY	106	record keeping/maintenance procedures
FACILITY	110	record keeping/maintenance procedures
FACILITY	47	record keeping/maintenance procedures
FACILITY	51	record keeping/maintenance procedures

Basis for Monitoring

Facility is subject to NOx, NH3, CO emissions limitations. Continuous monitors are required to be installed to demonstrate compliance with those limits.

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.

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



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with stated emission limits.

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