



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

**Permit ID: 2-6206-00012/00016**

**Renewal Number: 1**

**11/14/2013**

**Facility Identification Data**

Name: CON ED-EAST RIVER GENERATING STATION

Address: 701-827 EAST 14TH ST

NEW YORK, NY 10009

**Owner/Firm**

Name: CONSOLIDATED EDISON COMPANY OF NEW YORK INC

Address: 4 IRVING PL

NEW YORK, NY 10003-3502, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

Name: ELIZABETH A CLARKE

Address: NYSDEC

47-40 21ST ST

LONG ISLAND CITY, NY 11101-5407

Phone:7184824997

Division of Air Resources:

Name: CICYLY T NIRAPPEL

Address: HUNTERS POINT PLAZA

LONG ISLAND CITY, NY 11101

Phone:7184824944

Air Permitting Contact:

Name: FEMI OGUNSOLA

Address: CONSOLIDATED EDISON CO OF NY INC

4 IRVING PL - 15FL NE

NEW YORK, NY 10003-3502

Phone:2124601223

**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.

In addition, the minor changes summarized below are requested as part of this renewal application.



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1. Include Amended Certificate Conditions and Appendix G Consent Order Requirements for Units 60 and 70 as Title V Permit Conditions.
2. Units 1& 2 Steam Output to Steam Turbine No.6.
3. Addition of new 1-MW Emergency Generator
4. Increase Maximum Steam Capacity Units 1 and 2: Duct firing in each HRSG associated with Units NOs. 1 and 2 will Increase such that the maximum Steam output to steam distribution system is raised from 1.6 million lbs/hr to 1.7 million ls/hr
5. Maintain Maximum Steam Output During Natural Gas firing- South Steam Station. Proposes a new aggregate limit for the South Steam Station of 960 mmbtu/hr heat input while burning natural gas to achieve 650 ,000 lbs/hr steam output.

Con Edison proposes to maintain the existing permit limits with the additional emissions associated with the modifications.

This Title V permit renewal also includes CAIR conditions recently promulgated under regulations 6 NYCRR Parts 243, 244, and 245.

**Attainment Status**

CON ED-EAST RIVER GENERATING STATION is located in the town of MANHATTAN in the county of NEW YORK.

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)	MODERATE NON-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:**

This facility generates electricity and steam. It operates one (1) 1930 MMBtu/hr boiler, one (1) 1982 MMBtu/hr boiler, and ten (10) 180 MMBtu/hr boilers(192MMBtu/hr when natural gas fired). All boilers combust residual oil and also combust natural gas.

This facility also includes two (2) truncated combined cycle combustion turbine units with heat recovery steam generators. These two units comprise the East River Repowering Project.

**Permit Structure and Description of Operations**

The Title V permit for CON ED-EAST RIVER GENERATING STATION

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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.

CON ED-EAST RIVER GENERATING STATION is defined by the following emission unit(s):

Emission unit ER0001 - Very large boilers 60 and 70. Both boilers have the capability to burn residual oil and natural gas, and can fire these fuels alone or together. Boiler 60 exhausts through emission point 00003 and boiler 70 exhausts through emission point 00004. Use of fuel oil in Unit 6 (Boiler 60) during the period April 1 through November 14 is limited such that 90 percent of the fuel combusted, on a heating value basis, will on the average be natural gas during that period, based upon a three season averaging period. Use of fuel oil in Unit No. 7 (Boiler 70) during the period April 1 to November 14 is limited such that 90 percent of the fuel combusted, on a heating value basis, will on an average be natural gas during that period.

Emission unit ER0001 is associated with the following emission points (EP):  
00003, 00004

Process: NG1 is located at 1 - 4, Building BOILERHS - This process includes: one (1) opposed and one (1) face fired boiler (Nos. 60 and 70) rated at 1930 and 1982 MMBtu/hr, respectively. This process covers the combustion of natural gas in these boilers.

Process: RO1 is located at 1 - 4, Building BOILERHS - This process includes: one (1) opposed and one (1) face fired boiler (Nos. 60 and 70) rated at 1930 and 1982 MMBtu/hr, respectively. This process covers the combustion of residual oil in these boilers.

Emission unit ER0002 - Large boilers 110 through 119 (South Steam Station). All boilers have the capability to burn residual oil and have the capability to burn natural gas. The maximum total heat input for boilers 110 through 119 is limited to 900 MMBtu/hr during oil firing and 960 MMBtu/hr during natural gas firing. This emission unit also includes a GE Model No. Pg7241(fa) combustion turbine (CT) generator firing natural gas and low sulfur distillate oil (during an emergency and up to 16 hours per year (Unit No. 1). This CT train has an associated heat recovery steam generator (HRSG) with duct burner that is fired with only natural gas. Unit No. 1 steam can be sent to the #6 steam turbine. Unit No. 1 and the large boilers 110 through 119 exhaust through emission points 00001.

During any period, each HRSG's duct burner shall be allowed to burn fuel at the maximum rated capacity, 26,664 million BTU per day on a block 24-hour basis (midnight to midnight).



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The duct firing will be increased in each HRSG associated with Unit No.s 1 and 2 such that the maximum steam output to the steam distribution system is raised from 1.6 to 1.7 million pounds per hour. Existing emission limits and existing daily heat input limits on HRSG firing will be maintained while achieving this 1.7 million lbs/hr steam output.

Emission unit ER0002 is associated with the following emission points (EP):

00001

Process: FO1 is located at Building BOILERHS - One combustion turbine (ERRP 1) firing low sulfur (0.045% maximum) distillate oil without supplementary duct firing in the heat recovery steam generator. Distillate oil will only be fired in an emergency (as defined in 6 NYCRR 201-2.1(b)(12)) and test firing up to 16 hours per year. Water injection and selective catalytic reduction are used to control NOx emissions, and an oxidation catalyst is used to control CO and VOC emissions. During test firing, only combustion turbine may be fired. Process information in section iv covers only emissions during testing. During emergency operations both the combustion turbine and duct burner may be fired.

Process: NG2 is located at 1 - 4, Building BOILERHS - This process includes: ten (10) package boilers (Nos. 110 through 119) rated at 192 MMBtu/hr, each. This process covers the combustion of natural gas in these boilers

Process: NG4 is located at Building BOILERHS - Combustion Turbine (ERRP 1) firing natural gas with or without operation of heat recovery steam generator (HRSG). Dry low NOx burners and SCR are used to control NOx emissions and an oxidation catalyst is used to control CO

Process: RO2 is located at 1 - 4, Building BOILERHS - This process includes: ten (10) package boilers (Nos. 110 through 119) rated at 180 MMBtu/hr, each. This process covers the combustion of residual oil in these boilers

Emission unit ER0003 - Emission Unit ER0003 represents a GE Model No. Pg7241(f a) combustion turbine (CT) generator firing natural gas (and low sulfur distillate oil (during an emergency and up to 16 hours per year) (Unit No.2). This CT train has an associated heat recovery steam generator (HRSG) with duct burner that will be fired with only natural gas. Unit No.2 steam can be sent to the #6 steam turbine. Unit No. 2 will exhaust through emission point 00002.

During any period, each HRSG's duct burners shall be allowed to burn fuel at the maximum rated capacity, 26,664 million BTU per day on a block 24-hour basis (midnight to midnight).

This emission unit also includes one 1000KW diesel-or dual fuel (diesel and natural gas) fired emergency generator.

The duct firing will be increased in each HRSG associated with Unit No.s 1 and 2 such that the maximum steam output to the steam distribution system is raised from 1.6 to 1.7 million pounds per hour. Existing emission limits and existing daily heat input limits on HRSG firing will be maintained while achieving this 1.7 million lbs/hr steam output.

Emission unit ER0003 is associated with the following emission points (EP):

00002

Process: OEG is located at Main, Building BOILERHS - This process consists of diesel- or dual fuel (diesel and natural gas) fired emergency generator which will be used to provide back-up power in the event of a loss of normal power to Units No. 1 and /or 2.

Process: FO3 is located at Building BOILERHS - One combustion turbine (ERRP 2) firing low sulfur (0.045% maximum) distillate oil without supplementary duct firing in the heat recovery steam generator. Distillate oil will only be fired in an emergency (as defined in 6 NYCRR 201-2.1(b)(12)) and test firing up to 16 hours per year. Water injection and selective catalytic reduction are used to control NOx emissions



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and an oxidation catalyst is used to control CO and VOC emissions. During test firing only combustion turbine may be fired. Process information in section iv covers only emissions during testing. During emergency operation both the combustion turbine and duct burner may be fired. Process: NG3 is located at Building BOILERHS - Combustion turbine (ERRP 2) firing natural gas with or without operation of heat recovery steam generator. Dry low NOx burner and selective catalytic reduction are used to control NOx emissions and an oxidation catalyst is used to control CO and VOC emissions.

Emission unit ER0011 - Vapor extractors for units 60 and 70.

Emission unit ER0011 is associated with the following emission points (EP):  
VE060, VE070

Process: VEX is located at 1 - 4, Building BOILERHS - There are two steam driven turbine generators at East River. Each steam turbine has a lube oil system, which is equipped with a vapor extractor to prevent a build up of hydrogen in the oil reservoir. The vapor extractors are insignificant sources of emissions.

**Title V/Major Source Status**

CON ED-EAST RIVER GENERATING STATION is subject to Title V requirements. This determination is based on the following information:

The facility is a major source for its Potential to emit (PTE) NOx emissions

**Program Applicability**

The following chart summarizes the applicability of CON ED-EAST RIVER GENERATING STATION with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	YES
NSR (non-attainment)	NO
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	YES
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



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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.

**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



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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.

<b>SIC Code</b>	<b>Description</b>
4911	ELECTRIC SERVICES
4961	STEAM SUPPLY

**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.

<b>SCC Code</b>	<b>Description</b>
1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
1-01-006-01	ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-02-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
2-01-001-01	ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
2-01-001-06	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Over 100 MBtu/Hr
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION
2-02-001-06	ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Turbine
2-01-002-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION
2-02-001-06	ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine
	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) RECIPROCATING: EVAPORATIVE LOSSES (FUEL STORAGE AND DELIVERY SYSTEM)

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service 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

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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 of 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. ONY100-00-0. 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
007664-41-7	AMMONIA	122640	
007440-36-0	ANTIMONY		> 0 but < 10 tpy
007440-38-2	ARSENIC		> 0 but < 10 tpy
000071-43-2	BENZENE		> 0 but < 10 tpy
007440-41-7	BERYLLIUM		> 0 but < 10 tpy
007440-43-9	CADMIUM		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
016065-83-1	CHROMIUM (III)		> 0 but < 10 tpy
007440-48-4	COBALT		> 0 but < 10 tpy
000100-41-4	ETHYLBENZENE		> 0 but < 10 tpy
016984-48-8	FLUORIDE		> 0 but < 2.5 tpy
000050-00-0	FORMALDEHYDE		> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE		>= 10 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
007439-96-5	MANGANESE		> 0 but < 10 tpy
007439-97-6	MERCURY		> 0 but < 10 tpy
000091-20-3	NAPHTHALENE		> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS		>= 10 tpy
ONY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
ONY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
007723-14-0	PHOSPHORUS (YELLOW)		> 0 but < 10 tpy
ONY075-00-5	PM-10		>= 250 tpy but < 75,000 tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS		> 0 but < 10 tpy
007782-49-2	SELENIUM		> 0 but < 10 tpy
007704-34-9	SULFUR		>= 2.5 tpy but < 10 tpy
ONY035-16-0	SULFUR (S 035)		>= 25 tpy but < 40 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
007664-93-9	SULFURIC ACID		>= 250 tpy but < 75,000 tpy
000108-88-3	TOLUENE		> 0 but < 10 tpy
ONY100-00-0	TOTAL HAP		>= 50 tpy but < 100 tpy
ONY998-00-0	VOC		>= 100 tpy but < 250 tpy
001330-20-7	XYLENE, M, O & P		> 0 but < 10 tpy

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**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.

**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



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- 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;
  - 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.



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**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, 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.

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**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
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FACILITY	ECL 19-0301	184	Powers and Duties of the Department with respect to air pollution control
E-R0002/-/FO1	40CFR 52-A.21(j)	102, 103, 104, 105, 106, 107, 108	Best Available Control Technology
E-R0002/-/NG4	40CFR 52-A.21(j)	121, 122, 123, 124, 125, 126, 127, 128, 129, 130	Best Available Control Technology
E-R0003/-/FO3	40CFR 52-A.21(j)	151, 152, 153, 154, 155, 156, 157	Best Available Control Technology
E-R0003/-/NG3	40CFR 52-A.21(j)	169, 170, 171, 172, 173, 174, 175, 176, 177, 178	Best Available Control Technology
FACILITY	40CFR 60-A.11	76	General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.12	77	General provisions - Circumvention
FACILITY	40CFR 60-A.13	78	General provisions - Monitoring requirements
FACILITY	40CFR 60-A.14	79	General provisions - Modification
FACILITY	40CFR 60-A.15	80	General provisions - Reconstruction
FACILITY	40CFR 60-A.4	66	General provisions - Address



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FACILITY	40CFR 60-A.7(a)	67	Notification and Recordkeeping
FACILITY	40CFR 60-A.7(b)	68	Notification and Recordkeeping
FACILITY	40CFR 60-A.7(f)	69	Notification and Recordkeeping
FACILITY	40CFR 60-A.8(a)	70	Performance Tests
FACILITY	40CFR 60-A.8(b)	71	Performance Tests
FACILITY	40CFR 60-A.8(c)	72	Performance Tests
FACILITY	40CFR 60-A.8(d)	73	Performance Tests
FACILITY	40CFR 60-A.8(e)	74	Performance Tests
FACILITY	40CFR 60-A.8(f)	75	Performance Tests
E-R0002/-/NG4/HRSG1	40CFR 60-Db.49b(d)	134	Reporting and Recordkeeping Requirements.
E-R0003/-/NG3/HRSG2	40CFR 60-Db.49b(d)	182	Reporting and Recordkeeping Requirements.
E-R0002/-/FO1	40CFR 60-GG.334(h)	109, 110	Fuel Content
E-R0002/-/NG4	40CFR 60-GG.334(h)	131, 132	Fuel Content
E-R0003/-/FO3	40CFR 60-GG.334(h)	158, 159	Fuel Content
E-R0003/-/NG3	40CFR 60-GG.334(h)	179, 180	Fuel Content
FACILITY	40CFR 68	21	Chemical accident prevention provisions
FACILITY	40CFR 72	81	Permits regulation
E-R0001	40CFR 72	87	Permits regulation
E-R0002/-/FO1	40CFR 75-B.11(d)	111	Continuous emission monitoring - specific provisions for monitoring SO2 emissions gas-fired units and oil-fired units
E-R0002/-/NG4	40CFR 75-B.11(d)	133	Continuous emission monitoring - specific provisions for monitoring SO2 emissions gas-fired units and oil-fired units
E-R0003/-/FO3	40CFR 75-B.11(d)	160	Continuous emission monitoring - specific provisions for monitoring SO2 emissions gas-fired units and oil-fired units
E-R0003/-/NG3	40CFR 75-B.11(d)	181	Continuous emission monitoring - specific provisions for monitoring SO2 emissions gas-fired units and oil-fired units
FACILITY	40CFR 82-F	22	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	185	Unavoidable noncompliance and

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FACILITY	6NYCRR 201-1.7	11	violations
FACILITY	6NYCRR 201-1.8	12	Recycling and Salvage Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	23, 24, 25, 26, 27, 28, 82, 83	Title V Permits and the Associated Permit Conditions
E-R0001	6NYCRR 201-6	84	Title V Permits and the Associated Permit Conditions
E-R0002	6NYCRR 201-6	89, 90, 91, 92, 93	Title V Permits and the Associated Permit Conditions
E-R0003	6NYCRR 201-6	136, 137, 138, 139, 140	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5 (a) (4)	15	General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	2	General conditions
FACILITY	6NYCRR 201-6.5 (a) (8)	16	Fees
FACILITY	6NYCRR 201-6.5 (c)	3	General conditions Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
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)	17	Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	18	Off Permit Changes
FACILITY	6NYCRR 201-6.5 (g)	29	Permit shield
FACILITY	6NYCRR 202-1.1	19	Required emissions tests.
FACILITY	6NYCRR 202-1.2	30	Notification.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 204-2.1 (e)	31	Authorization and Responsibilities of the NOx Authorized Account
FACILITY	6NYCRR 204-4.1	32	Representative Compliance
FACILITY	6NYCRR 204-7.1	33	Certification Report Submission of NOx Allowance Transfers
FACILITY	6NYCRR 204-8.1	34	General Requirements
FACILITY	6NYCRR 204-8.2	35	Initial Certification and Recertification

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FACILITY	6NYCRR 204-8.2 (b) (2)	36	Procedures Initial Certification and Recertification
FACILITY	6NYCRR 204-8.3	37	Procedures Out of Control Periods
FACILITY	6NYCRR 204-8.7	38	Additional Requirements to Provide Heat Input Data for Allocations Purposes
FACILITY	6NYCRR 207.3 (d)	39	Episode actions
FACILITY	6NYCRR 211.2	186	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 211.3	20	General Prohibitions - visible emissions limited
E-R0011	6NYCRR 212.6	183	Opacity Limitation
FACILITY	6NYCRR 215	9	Open Fires
E-R0002/-/FO1	6NYCRR 225-1.2 (a) (1)	96	Sulfur in Fuel Limitations Pre January 1, 1988 (SIP standards).
E-R0003/-/FO3	6NYCRR 225-1.2 (a) (1)	145	Sulfur in Fuel Limitations Pre January 1, 1988 (SIP standards).
FACILITY	6NYCRR 225-1.2 (a) (2)	40	Sulfur in Fuel Limitations Post 12/31/87.
E-R0003/-/0EG/00EG1	6NYCRR 225-1.2 (d)	141	Sulfur-in-fuel limitations - Table 2
FACILITY	6NYCRR 225-1.4	41	Exceptions contingent upon fuel shortage.
E-R0001	6NYCRR 225-1.7	85	Emission and fuel monitoring.
E-R0002	6NYCRR 225-1.7	94	Emission and fuel monitoring.
FACILITY	6NYCRR 225-1.8	42	Reports, sampling and analysis.
FACILITY	6NYCRR 225-1.8 (d)	43	Reports, sampling, and analysis
E-R0003/-/0EG/00EG1	6NYCRR 227.2 (b) (1)	144	Particulate emissions.
E-R0001/-/RO1	6NYCRR 227-1.2 (a) (1)	88	Particulate Emissions from Liquid Fuels.
E-R0002/-/RO2	6NYCRR 227-1.2 (a) (1)	190	Particulate Emissions from Liquid Fuels.
E-R0002/-/RO2	6NYCRR 227-1.2 (a) (2)	191	Particulate Emissions Firing Liquid Fuels Excluding Distillate Oil. (see narrative)
FACILITY	6NYCRR 227-1.3	44	Smoke Emission Limitations.
E-R0001	6NYCRR 227-1.3	86	Smoke Emission Limitations.
E-R0002	6NYCRR 227-1.3	95	Smoke Emission Limitations.
E-R0002/-/FO1	6NYCRR 227-1.3 (a)	97	Smoke Emission Limitations.
E-R0003/-/FO3	6NYCRR 227-1.3 (a)	146	Smoke Emission Limitations.
E-R0003/-/0EG/00EG1	6NYCRR 227-2.2	142	Definitions

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E-R0003/-/0EG/00EG1	6NYCRR 227-2.4 (f) (4)	143	Exemption for emergency power generating units and units that operate during emergency situations.
FACILITY	6NYCRR 227-2.5 (b)	45	System-wide averaging option.
FACILITY	6NYCRR 227-2.6 (b)	46	CEMS requirements
FACILITY	6NYCRR 231-2.4	47, 48, 49, 50, 51, 52	Permit Requirements
E-R0002/-/FO1	6NYCRR 231-2.4	98, 99, 100, 101	Permit Requirements
E-R0002/-/NG4	6NYCRR 231-2.4	113, 114, 115, 116, 117, 118, 119, 120	Permit Requirements
E-R0003/-/FO3	6NYCRR 231-2.4	147, 148, 149, 150	Permit Requirements
E-R0003/-/NG3	6NYCRR 231-2.4	161, 162, 163, 164, 165, 166, 167, 168	Permit Requirements
E-R0002/-/NG2	6NYCRR 231-2.7	112	Netting
E-R0002/-/RO2	6NYCRR 231-2.7	135	Netting
FACILITY	6NYCRR 242-1.5	187, 188, 189	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 243-1.6 (a)	53	Permit Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (d)	54	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	55	Authorization and responsibilities - CAIR Designated Representative
FACILITY	6NYCRR 243-8.1	56, 57	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	58	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (d)	59	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	60	CAIR NOx Ozone Annual Trading Program
FACILITY	6NYCRR 244-2	61	General Provisions CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	62	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	63	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-2	64	CAIR Designated Representative for CAIR SO2 Sources
FACILITY	6NYCRR 245-8	65	Monitoring and Reporting for CAIR SO2 Trading Program

**Applicability Discussion:**



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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

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



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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.

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



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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 limits opacity from sources to less than or equal to 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

6 NYCRR Part 215

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 there 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, CON ED-EAST RIVER GENERATING STATION has been determined to be subject to the following regulations:

40 CFR 52.21 (j)

BACT determinations are made on a case-by-case basis and can be no less stringent than any



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requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

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 60.12

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.

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 60.334 (h)

This regulation requires the applicant to monitor the sulfur and nitrogen content of the fuel being burned in the turbine.

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 60.49b (d)

This regulation applies to the heat recovery steam generators(HRSG1 HRSG2) on the gas turbine cogeneration units . It requires Con Ed to record and keep records of the daily fuel usage in the duct burners and to calculate the annual capacity factor of these units.

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 (f)

This condition specifies requirements for maintenance of files of all measurements, including



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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.

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 75.11 (d)

This section deals with the measurements of SO<sub>2</sub> in gas-fired and oil-fired systems only. It specifies requirements in addition to the general operating requirements in § 75.10 and provides for alternative methods for estimating hourly SO<sub>2</sub> mass emissions.

40 CFR Part 72

In order to reduce acid rain in the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of SO<sub>2</sub> and NO<sub>x</sub> (sulfur dioxide and oxides of nitrogen). Fossil fuel burning electric utility companies are a major source of these contaminants in the US. These sources were regulated in a phased approach. Phase I, which began in 1995, requires 110 of the higher-emitting utility plants in the eastern and Midwest states to meet intermediate SO<sub>2</sub> emission limitations. Phase II, which began in 2000, tightens the emission limitations and expands the coverage to most fossil fuel burning utilities. The utilities are given "allowances" which is a limited authorization to emit one ton of SO<sub>2</sub>. The utilities are required to limit SO<sub>2</sub> emissions to the number of allowances they hold. Some can benefit however by reducing their emissions and selling their excess allowances. Part 72 contains the means of implementing this portion of Title IV of the Clean Air Act.

6 NYCRR 202-1.2

This regulation specifies that the department is to be notified at least 30 days in advance of any required



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stack test. The notification is to include a list of the procedures to be used that are acceptable to the department. Finally, free access to observe the stack test is to be provided to the department's representative.

6 NYCRR 204-2.1 (e)

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.

6 NYCRR 204-4.1

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

6 NYCRR 204-7.1

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

6 NYCRR 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.

6 NYCRR 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

6 NYCRR 204-8.2 (b) (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

6 NYCRR 204-8.3

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

6 NYCRR 204-8.7

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

6 NYCRR 207.3 (d)

When the Commissioner determines that an air pollution episode is in effect, the facility shall take the actions as prescribed in the most recent approved episode action plan. The facility must also maintain an air pollution episode log at the facility.

6 NYCRR 212.6

This is for opacity compliance.

6 NYCRR 225-1.2 (a) (1)

This regulation provides the specific limits for the amount of sulfur in the fuel being burned at the facility.

6 NYCRR 225-1.2 (a) (2)

This regulation prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section. For this facility, the limit for the amount of sulfur contained in the residual oil is 0.20%. The



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amount of sulfur in the fuel is to be measured for each fuel delivery.

6 NYCRR 225-1.2 (d)

The sulfur-in-fuel limitations for residual and distillate oil and for solid fuel are listed in Tables 1,2 and 3 or 6 NYCRR Part 225-1.2(c), (d) and (e)

6 NYCRR 225-1.4

This regulation allows the Commissioner of the NYSDEC to issue an order granting a temporary variance from the sulfur-in-fuel limitations in 6 NYCRR Part 225-1 where it can be shown, to the commissioner's satisfaction, that there is an insufficient supply of conforming fuel, either of the proper type required for use in a particular air contamination source or generally throughout an area of the State.

6 NYCRR 225-1.7

This regulation requires the use of continuous emissions monitors to monitor the emissions of sulfur dioxide. This applies to facilities with a total heat input greater than 250 million BTU per hour, are equipped with approved sulfur dioxide control equipment and are subject to the sulfur dioxide equivalent emission rate pursuant to 6 NYCRR Part 225-1.5(a). For this facility the emissions of sulfur dioxide are determined by the daily fuel usage, the electrical output and hourly generation rate of the facility and the heat content, sulfur content and ash content for the fuel being burned. A report of the amount of sulfur dioxide emitted is submitted to the Department on a semi-annual basis.

6 NYCRR 225-1.8

This regulation requires an owner or operator of a facility which purchases and fires coal and/or oil to submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1.

6 NYCRR 225-1.8 (d)

This requires that sampling, compositing and analysis of fuel samples must be done in accordance with methods acceptable to the commissioner.

6 NYCRR 227.2 (b) (1)

This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6 NYCRR 227-1.2 (a) (1)

This regulation establishes a particulate emission limit in terms of lbs per mmBtu of heat input for stationary combustion units of greater than 250 mmBtu/hr heat input capacity which fire coal, oil, or coal derived fuels.

6 NYCRR 227-1.2 (a) (2)

This rule limits particulate emissions to 0.20 pound per million Btu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 50 million Btu per hour but no greater than 250 million Btu per hour using oil (other than distillate oil), coal tar, or any liquid fuel derived from coal.

6 NYCRR 227-1.3

This regulation requires a limitation and compliance monitoring for opacity from a stationary combustion installation.



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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 227-2.2

Defunes the operation of Emergency generator.

6 NYCRR 227-2.4 (f) (4)

Emergency generators are exempt from NO<sub>x</sub> RACT requiremet .

6 NYCRR 227-2.5 (b)

The system-wide average shall consist of a weighted average allowable emission rate based upon the weighted average of actual emissions from units that are operating. Excess reductions utilized in the system-wide average may only be counted from the lowest allowable emission rate. Simply put, if there is a more stringent emission limit than RACT already in place on the unit, then excess reductions may only be counted from below that emission rate.

6 NYCRR 227-2.6 (b)

Any owner or operator of a combustion source subject to reasonably available control technology (RACT) requirements, under this subdivision, for NO<sub>x</sub> and either is required or opts to employ a continuous emissions monitoring system (CEMS) must:

- 1) Submit a CEMS monitoring plan for approval by the Department,
- 2) Submit a CEMS certification protocol,
- 3) Meet CEMS monitoring requirements as detailed in this paragraph of this subdivision, and
- 4) Meet CEMS recordkeeping and reporting requirements as detailed in this paragraph of this subdivision.

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

The ten package boilers combined have a maximum heat input of 1800 MM btu/hr, but limited to 900 MMBtu/hr during oil firing and 960 MMBtu/hr during natural gas firing. Facility installed two combustion turbine generators and two duct burners during 1995 and the emissions were partially netted out by limiting the combined max. heatput of boilers from 1800mmbtu/hr to 960mmbtu/hr. Facility obtained ERC's for the rest.

For the construction and operation of the gas turbine cogeneration units (Unit 1 and Unit 2, the following amounts of emission reduction credits were obtained:

NO<sub>x</sub>: 193.01 tpy

VOC: 219.64 tpy



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PM/PM10: 109.36 tpy.

6 NYCRR 231-2.7

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.

Pursuant to section 231-2.7, existing major facilities may avoid the requirements of Subpart 231-2 by conducting a netting analysis. This is done by utilizing the following equation:

$$NEI = PEP + CEI - ERCs$$

where:

NEI = net emission increase

PEP = project emission potential for the proposed source project

CEI = creditable emission increases

ERCs = emission reduction credits

All of the creditable emission increases and emission reduction credits must have occurred at the facility for which the netting analysis is being conducted and must have occurred during the contemporaneous period for the proposed project. If the net emission increase is less than the threshold values incorporated into sections 231-2.12 and 231-2.13, then the the proposed source project is not subject to the requirements of Subpart 231-2.

6 NYCRR 242-1.5

This regulation requires that the facility hold enough carbon dioxide allowances in their carbon dioxide budget at least equal to the amount of carbon dioxide emitted from the facility each year.

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 (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 243-2.1

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 243-8.1

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.



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6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains the what requirements the quarterly reports must meet.

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NO<sub>x</sub>) Annual Trading Program. The control period for this annual NO<sub>x</sub> 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<sub>x</sub> allowances that is not less than the total tons of NO<sub>x</sub> emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NO<sub>x</sub> source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NO<sub>x</sub> 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<sub>x</sub> 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<sub>x</sub> emission monitoring system must be used to measure NO<sub>x</sub> emissions. NO<sub>x</sub> 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 (SO<sub>2</sub>) Trading Program. The control period for this annual SO<sub>2</sub> 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 SO<sub>2</sub> allowances that is not less than the total tons of SO<sub>2</sub> emissions for the control period.

6 NYCRR Subpart 245-2

Each Clean Air Interstate Rule (CAIR) SO<sub>2</sub> source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR SO<sub>2</sub> 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 SO<sub>2</sub> unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO<sub>2</sub> emission monitoring system must be used to measure SO<sub>2</sub> emissions. SO<sub>2</sub> emission reports must be certified and submitted quarterly..

**Non Applicability Analysis**

**List of non-applicable rules and regulations:**

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<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>
FACILITY	6 NYCRR 231-2.7	Netting

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.4(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 CON ED-EAST RIVER GENERATING STATION:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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E-R0002/-/FO1	102	work practice involving specific operations
E-R0002/-/FO1	103	work practice involving specific operations
E-R0002/-/FO1	104	continuous emission monitoring (cem)
E-R0002/-/FO1	105	continuous emission monitoring (cem)
E-R0002/-/FO1	106	continuous emission monitoring (cem)
E-R0002/-/FO1	107	work practice involving specific operations
E-R0002/-/FO1	108	continuous emission monitoring (cem)
E-R0002/-/NG4	121	continuous emission monitoring (cem)
E-R0002/-/NG4	122	intermittent emission testing
E-R0002/-/NG4	123	continuous emission monitoring (cem)
E-R0002/-/NG4	124	continuous emission monitoring (cem)
E-R0002/-/NG4	125	continuous emission monitoring (cem)
E-R0002/-/NG4	126	continuous emission monitoring (cem)
E-R0002/-/NG4	127	continuous emission monitoring (cem)
E-R0002/-/NG4	128	continuous emission monitoring (cem)
E-R0002/-/NG4	129	work practice involving specific operations
E-R0002/-/NG4	130	continuous emission monitoring (cem)
E-R0003/-/FO3	151	work practice involving specific operations
E-R0003/-/FO3	152	continuous emission monitoring (cem)
E-R0003/-/FO3	153	work practice involving specific operations
E-R0003/-/FO3	154	continuous emission monitoring (cem)
E-R0003/-/FO3	155	continuous emission monitoring (cem)
E-R0003/-/FO3	156	continuous emission monitoring (cem)
E-R0003/-/FO3	157	work practice involving specific operations
E-R0003/-/NG3	169	continuous emission monitoring (cem)
E-R0003/-/NG3	170	continuous emission monitoring (cem)
E-R0003/-/NG3	171	continuous emission monitoring (cem)
E-R0003/-/NG3	172	continuous emission monitoring (cem)
E-R0003/-/NG3	173	continuous emission monitoring (cem)
E-R0003/-/NG3	174	continuous emission monitoring (cem)
E-R0003/-/NG3	175	continuous emission monitoring (cem)
E-R0003/-/NG3	176	intermittent emission testing



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E-R0003/-/NG3	177	continuous emission monitoring (cem)
E-R0003/-/NG3	178	work practice involving specific operations
E-R0002/-/NG4/HRSG1	134	record keeping/maintenance procedures
E-R0003/-/NG3/HRSG2	182	record keeping/maintenance procedures
E-R0002/-/FO1	109	record keeping/maintenance procedures
E-R0002/-/FO1	110	record keeping/maintenance procedures
E-R0002/-/NG4	131	record keeping/maintenance procedures
E-R0002/-/NG4	132	record keeping/maintenance procedures
E-R0003/-/FO3	158	record keeping/maintenance procedures
E-R0003/-/FO3	159	record keeping/maintenance procedures
E-R0003/-/NG3	179	record keeping/maintenance procedures
E-R0003/-/NG3	180	record keeping/maintenance procedures
E-R0002/-/FO1	111	record keeping/maintenance procedures
E-R0002/-/NG4	133	record keeping/maintenance procedures
E-R0003/-/FO3	160	record keeping/maintenance procedures
E-R0003/-/NG3	181	record keeping/maintenance procedures
FACILITY	24	record keeping/maintenance procedures
FACILITY	25	record keeping/maintenance procedures
FACILITY	26	record keeping/maintenance procedures
FACILITY	27	record keeping/maintenance procedures
FACILITY	28	record keeping/maintenance procedures
E-R0001	84	record keeping/maintenance procedures
E-R0002	89	work practice involving specific operations
E-R0002	90	continuous emission monitoring (cem)
E-R0002	91	continuous emission monitoring (cem)
E-R0002	92	continuous emission monitoring (cem)
E-R0002	93	continuous emission monitoring (cem)
E-R0003	136	continuous emission monitoring (cem)
E-R0003	137	continuous emission monitoring (cem)
E-R0003	138	continuous emission monitoring (cem)
E-R0003	139	continuous emission monitoring (cem)
E-R0003	140	work practice involving specific operations
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	38	record keeping/maintenance procedures
FACILITY	39	record keeping/maintenance procedures
E-R0011	183	record keeping/maintenance procedures
E-R0002/-/FO1	96	record keeping/maintenance procedures
E-R0003/-/FO3	145	record keeping/maintenance procedures
FACILITY	40	work practice involving specific operations
E-R0003/-/0EG/00EG1	141	work practice involving specific operations
E-R0001	85	record keeping/maintenance procedures
E-R0002	94	record keeping/maintenance procedures
FACILITY	42	record keeping/maintenance procedures
E-R0003/-/0EG/00EG1	144	intermittent emission testing
E-R0001/-/RO1	88	intermittent emission testing
E-R0002/-/RO2	190	intermittent emission testing
E-R0002/-/RO2	191	continuous emission monitoring (cem)
FACILITY	44	record keeping/maintenance procedures
E-R0001	86	continuous emission monitoring (cem)
E-R0002	95	continuous emission monitoring (cem)
E-R0002/-/FO1	97	continuous emission monitoring (cem)
E-R0003/-/FO3	146	continuous emission monitoring (cem)
E-R0003/-/0EG/00EG1	142	record keeping/maintenance procedures
E-R0003/-/0EG/00EG1	143	work practice involving specific operations
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
FACILITY	50	intermittent emission testing
FACILITY	51	intermittent emission testing
FACILITY	52	intermittent emission testing
E-R0002/-/FO1	98	continuous emission monitoring (cem)

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E-R0002/-/FO1	99	continuous emission monitoring (cem)
E-R0002/-/FO1	100	work practice involving specific operations
E-R0002/-/FO1	101	work practice involving specific operations
E-R0002/-/NG4	113	continuous emission monitoring (cem)
E-R0002/-/NG4	114	continuous emission monitoring (cem)
E-R0002/-/NG4	115	continuous emission monitoring (cem)
E-R0002/-/NG4	116	intermittent emission testing
E-R0002/-/NG4	117	intermittent emission testing
E-R0002/-/NG4	118	intermittent emission testing
E-R0002/-/NG4	119	intermittent emission testing
E-R0002/-/NG4	120	continuous emission monitoring (cem)
E-R0003/-/FO3	147	continuous emission monitoring (cem)
E-R0003/-/FO3	148	continuous emission monitoring (cem)
E-R0003/-/FO3	149	work practice involving specific operations
E-R0003/-/FO3	150	work practice involving specific operations
E-R0003/-/NG3	161	continuous emission monitoring (cem)
E-R0003/-/NG3	162	continuous emission monitoring (cem)
E-R0003/-/NG3	163	continuous emission monitoring (cem)
E-R0003/-/NG3	164	continuous emission monitoring (cem)
E-R0003/-/NG3	165	intermittent emission testing
E-R0003/-/NG3	166	intermittent emission testing
E-R0003/-/NG3	167	intermittent emission testing
E-R0003/-/NG3	168	intermittent emission testing
E-R0002/-/NG2	112	monitoring of process or control device parameters as surrogate
E-R0002/-/RO2	135	monitoring of process or control device parameters as surrogate
FACILITY	188	record keeping/maintenance procedures
FACILITY	189	record keeping/maintenance procedures
FACILITY	62	record keeping/maintenance procedures

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**Basis for Monitoring**

This is a renewal of existing Title V Permit. Also, facility wants to add the following modifications along with this;

To maintain maximum steam output during natural gas firing as well as oil firing at South Steam Station, facility proposes to raise the combined maximum total heat input for 10(ten) boilers 110 through 119 from 900 MMBtu/hr to 960 MMBtu/hr. This modification will result in decrease of all the contaminants except for CO of 21.7 tpy and VOC of 1.7 tpy. These increases are below any PSD applicability threshold.

With this modification duct firing will be increased in each HRSG with this modification, existing emission limits and existing daily heat input limits on HRSG firing will be maintained.

The emissions from one new 1 MW emergency generator in Emission unit ER0002 are kept under the existing cap.

Facility wants to rename ERRP 1 and ERRP2 as Unit No.1 and Unit No.2 respectively (which are listed in the permit as emission sources CT001 and CT002 ).

Also additional CO, NOx and NH3 monitoring conditions are added to this permit for Unit 1 and Unit 2 for start up and shut down periods based on the data that Con Edison has provided.