

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 3-3346-00075/00008 Renewal Number: 1 Modification Number: 1



11/14/2007

Facility Identification Data

Name: ROSETON GENERATING STATION
Address: 992 RIVER RD
NEWBURGH, NY 12550

Owner/Firm

Name: DYNEGY NORTHEAST GENERATION
Address: 992 RIVER RD
NEWBURGH, NY 12550, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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Air Permitting Facility Owner Contact:

Name: ANDREW MATURA
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992 RIVER RD
NEWBURGH, NY 12550

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

THE PURPOSE OF THIS APPLICATION IS TO MODIFY DYNEGY NORTHEAST

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GENERATION'S (DYNEGY'S) EXISTING TITLE V PERMIT TO INCLUDE A NEW AUXILIARY BOILER AND REMOVE AN EXISTING AUXILIARY BOILER.

Attainment Status

ROSETON GENERATING STATION is located in the town of NEWBURGH in the county of ORANGE.

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*	MODERATE 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

ROSETON GENERATING STATION BEGAN COMMERCIAL OPERATION IN 1974. THE FACILITY CONSISTS OF TWO COMBUSTION ENGINEERING TANGENTIALLY-FIRED STEAM GENERATING BOILERS RATED AT 600 MEGAWATTS (MW) EACH. BOTH UNITS ARE CAPABLE OF FIRING NO. 6 FUEL OIL AND NATURAL GAS. AN AUXILIARY BOILER IS ALSO INSTALLED AT THE FACILITY TO PROVIDE HEAT AND LIGHT FOR THE FACILITY IF THE LARGER UNITS ARE NOT IN USE. SLUDGE FROM SETTLING BASINS IS STORED AND DRIED AT AMBIENT TEMPERATURE AND TRANSFERRED OFF-SITE FOR BENEFICIAL REUSE.

Permit Structure and Description of Operations

The Title V permit for ROSETON GENERATING STATION 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



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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.

ROSETON GENERATING STATION is defined by the following emission unit(s):

Emission unit UR000A - AN AUXILIARY BOILER USED TO SUPPLY STEAM HEAT TO THE FACILITY WHEN UNITS #1 AND #2 ARE OFF-LINE. THE UNIT IS CAPABLE OF FIRING NATURAL GAS ONLY. IN ADDITION TO THE MAIN FACILITY, THE UNIT SUPPLIES STEAM TO THE TRANSFER PUMP HOUSE, THE SERVICE BUILDING, DAY AND DUTY TANKS, AND STEAM TRACING FOR FUEL LINES.

Emission unit UR000A is associated with the following emission points (EP):
0000A, 0001A

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

Process: RAG is located at Building ROSE_AUX - THE COMBUSTION OF NATURAL GAS. THE HEAT INPUT OF THE BOILER IS RATED AT 99.78 MMBTU/HR. THE BOILER WILL BE EQUIPPED WITH LOW NOX.

Process: RAO is located at OUTDOORS - THE COMBUSTION OF NO. 2 OIL. THE HEAT INPUT OF THE BOILER IS RATED AT 38.6 MMBTU/HR FOR OIL FIRING. NO EMISSION CONTROLS ARE INSTALLED.

Emission unit UR0001 - ROSETON UNIT #1 IS A 600 MW COMBUSTION ENGINEERING TANGENTIALLY FIRED STEAM GENERATING BOILER. THE UNIT BEGAN COMMERCIAL OPERATION IN DECEMBER 1974 AND WAS MODIFIED IN MAY 1992 TO ENABLE THE UNIT TO CO-FIRE OR EXCLUSIVELY FIRE NATURAL GAS.

Emission unit UR0001 is associated with the following emission points (EP):
00001

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

Process: R10 is located at LOWER LEVEL, Building ROSE1 - THE COMBUSTION OF NO. 6 OIL. THE HEAT INPUT OF THE BOILER IS RATED AT 7927 MMBTU/HR FOR NO. 6 OIL FIRING.

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PARTICULATE EMISSIONS ARE CONTROLLED BY A MECHANICAL DUST COLLECTOR; EMISSIONS OF NOX ARE REDUCED THROUGH A COMBINATION OF FUEL OIL STEAM ATOMIZATION, "BURNERS OUT OF SERVICE" (BOOS), AND/OR WINDBOX FLUE GAS RECIRCULATION.

Process: R1G is located at LOWER LEVEL, Building ROSE1 - THE COMBUSTION OF NATURAL GAS. THE HEAT INPUT OF THE BOILER IS RATED AT 5985 MMBTU/HR FOR NATURAL GAS FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A MECHANICAL DUST COLLECTOR; EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF "BURNERS OUT OF SERVICE" (BOOS) AND/OR WINDBOX FLUE GAS RECIRCULATION.

Emission unit UR000W - SLUDGE FROM SETTLING BASINS IS TRANSPORTED TO THE STORAGE FACILITY, DRIED AT AMBIENT TEMPERATURES, STORED, AND TRANSFERRED OFF-SITE FOR BENEFICIAL USE.

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

Process: RWWSLUDGE FROM WATER TREATMENT SETTLING BASINS IS DRIED AT AMBIENT TEMPERATURE AND STORED. THIS MATERIAL IS LOADED INTO TRUCKS AND HAULED OFF-SITE FOR BENEFICIAL REUSE.

Emission unit UR0002 - ROSETON UNIT #2 IS A 600 MW COMBUSTION ENGINEERING TANGENTIALLY-FIRED STEAM GENERATING BOILER. THE UNIT BEGAN COMMERCIAL OPERATION IN 09/74 AND WAS MODIFIED IN 12/91 TO ENABLE THE UNIT TO CO-FIRE OR EXCLUSIVELY FIRE NATURAL GAS.

Emission unit UR0002 is associated with the following emission points (EP):
00002

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

Process: R20 is located at LOWER LEVEL, Building ROSE2 - THE COMBUSTION OF NO. 6 OIL. THE HEAT INPUT OF THE BOILER IS RATED AT 7691 MMBTU/HR FOR NO. 6 OIL FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A MECHANICAL DUST COLLECTOR; EMISSIONS OF NOX ARE REDUCED THROUGH A COMBINATION OF FUEL OIL STEAM ATOMIZATION, "BURNERS OUT OF SERVICE" (BOOS), AND WINDBOX FLUE GAS RECIRCULATION.

Process: R2G is located at LOWER LEVEL, Building ROSE2 - THE COMBUSTION OF NATURAL GAS. THE HEAT INPUT OF THE BOILER IS RATED AT 6597 MMBTU/HR FOR NATURAL GAS FIRING. PARTICULATE EMISSIONS ARE CONTROLLED BY A MECHANICAL DUST COLLECTOR, EMISSIONS OF NOX ARE REDUCED THROUGH THE USE OF "BURNERS OUT OF SERVICE" (BOOS) AND WINDBOX FLUE GAS RECIRCULATION.

Title V/Major Source Status

ROSETON GENERATING STATION is subject to Title V requirements. This determination is based on the following information:

Emissions of sulfur dioxide, NOx, particulates, volatile organic compounds, and total hazardous air pollutants from the facility are above major source emission thresholds, as defined by the Federal Clean Air Act.

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Program Applicability

The following chart summarizes the applicability of ROSETON GENERATING STATION with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
PSD	NO
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 (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

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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 of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code	Description
4911	ELECTRIC SERVICES

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SCC Codes

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

SCC Code	Description
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-02-005-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
1-02-006-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Over 100 MBtu/Hr
5-01-007-01	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - SEWAGE TREATMENT Entire Plant

Facility Emissions Summary

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

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Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
007440-36-0	ANTIMONY (HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
000095-47-6	BENZENE, 1, 2-DIMETHYL (HAP)	> 0	but < 10 tpy
007440-41-7	BERYLLIUM (HAP)	> 0	but < 10 tpy
007440-43-9	CADMIUM (HAP)	> 0	but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 250	tpy
007440-47-3	CHROMIUM (HAP)	> 0	but < 10 tpy
007440-48-4	COBALT (HAP)	> 0	but < 10 tpy
025321-22-6	DICHLOROBENZENE	> 0	but < 2.5 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0	but < 10 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0	but < 10 tpy
0NY100-00-0	HAP	>= 50	tpy but < 100 tpy
000110-54-3	HEXANE (HAP)	> 0	but < 10 tpy
007439-92-1	LEAD (HAP)	> 0	but < 10 tpy
007439-96-5	MANGANESE (HAP)	> 0	but < 10 tpy
007439-97-6	MERCURY (HAP)	> 0	but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0	but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	> 0	but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 250	tpy
0NY075-00-0	PARTICULATES	>= 250	tpy
007723-14-0	PHOSPHORUS (YELLOW) (HAP)	> 0	but < 10 tpy
0NY075-00-5	PM-10	>= 250	tpy
007782-49-2	SELENIUM (HAP)	> 0	but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250	tpy
000108-88-3	TOLUENE (HAP)	> 0	but < 10 tpy
0NY998-00-0	VOC	>= 250	tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within



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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 - 6NYCRR Part 201-1.10(b)

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

Item 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 renewal application.

Item F: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6

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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 - 6NYCRR Part 201-6.5(a)(5)

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

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

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

Item 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

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substantial endangerment to public health, welfare or the environment to stop the emission of air pollutants causing or contributing to such pollution;

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

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

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

Item 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

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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.

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.

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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	Short Description	Condition
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	56
U-R000A/-/RAG	40CFR 60-Dc.40c (a)	Steam generators 10-100 million Btu per hour	1-5
U-R000A/0000A/RAO/SR00A	40CFR 60-Dc.42c (d)	Standard for Sulfur Dioxide Firing Oil. (see narrative)	55
U-R000A/0000A/RAO/SR00A	40CFR 60-Dc.48c (f) (1)	Reporting and Recordkeeping Requirements (distillate oil).	54
U-R000A	40CFR 60-Dc.48c (g)	Reporting and Recordkeeping Requirements.	1-4
FACILITY	40CFR 68	Chemical accident prevention provisions	21
FACILITY	40CFR 72-A.9	Standard requirements	38
FACILITY	40CFR 75-B.10 (a)	Continuous emission monitoring - general operating requirements	39
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Applicability Discussion:

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



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ECL 19-301.

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

6NYCRR Part 200-.6

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

6NYCRR Part 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

6NYCRR Part 201-1.4

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

6NYCRR Part 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 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.

6NYCRR Part 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



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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.

6NYCRR Part 201-6

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

6NYCRR 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.

6NYCRR 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.

6NYCRR 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.

6NYCRR Part 201-6.5(c)

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

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

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA

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

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

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

6NYCRR 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.

6NYCRR Part 201-6.5(e)

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

6NYCRR 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.

6NYCRR Part 201-6.5(g)

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

6NYCRR Part 202-1.1

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.

6NYCRR Part 202-2.1

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

6NYCRR Part 202-2.5



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

6NYCRR Part 211-.2

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

6 NYCRR Part 211.3

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

6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

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, ROSETON GENERATING STATION has been determined to be subject to the following regulations:

40CFR 60-Dc.40c (a)

Monitoring requirements for NSPS small boilers.



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40CFR 60-Dc.42c (d)

This regulation requires that on or after the date on which the initial performance test is completed or required to be completed under section 60.8 of 40 CFR 60 Subpart A, no owner or operator of an affected facility that combusts oil, shall combust oil with a sulfur content in excess of 0.5 percent by weight.

40CFR 60-Dc.48c (f) (1)

Fuel supplier certifications for distillate oil shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specification under the definition of distillate oil in 40 CFR 60-Dc.41c

40CFR 60-Dc.48c (g)

The owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each day.

40CFR 72-A.9

A designated representative of each source of air contamination affected by the acid rain program must submit a complete Acid Rain permit application (including a compliance plan) in accordance with the deadlines specified in § 72.30;

40CFR 75-B.10 (a)

This section specifies the primary measurement requirements for opacity, and all SO₂, NO_x, and CO₂ emissions from the facility. It details how often measurements are to be made and the general type of systems to be used.

40CFR 75-B.10 (b)

This section requires the facility to meet the equipment, installation, and performance specifications in appendix A ; and the quality assurance and quality control procedures of appendix B to this part.

40CFR 75-B.10 (c)

This section requires heat input measurements, for every hour or part of an hour any fuel is combusted, following the procedures in appendix F to this part.

40CFR 75-B.10 (d)

This section specifies the operating requirements of the monitoring systems. It requires the facility to ensure that all monitoring systems in operation and functioning as specified, at all times fuel is being burned ,except as provided in § 75.11(e) and during other specified periods.

40CFR 75-B.13 (a)

This section specifies requirements in addition to the general monitoring requirements for the measurement of CO₂. c

40CFR 75-C.20

This section requires the facility to ensure that each emission or opacity monitoring system, including automated data acquisition and handling systems, meet the initial certification requirements of this



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section. It requires that all applicable initial certification tests are completed by the deadlines specified in § 75.4 and prior to use in the Acid Rain Program.

40CFR 75-G.64 (a)

This section requires the electronic submission of specific information. It details what information must be reported and when.

6NYCRR 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is

6NYCRR 204-4.1

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

6NYCRR 204-8.1

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

6NYCRR 204-8.4

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

6NYCRR 225-1.2

This regulation limits the amount of sulfur present in the fuel burned at the facility.

6NYCRR 225-1.8 (a)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, 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. All records shall be available for a minimum of three years

6NYCRR 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.

6NYCRR 227-1.3 (a)

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

6NYCRR 227-1.4 (a)

Subdivisions (a) and (f) of this section (227-1.4) have not been approved by EPA and have not been included in the NYS SIP.



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6NYCRR 227-1.4 (b)

This regulation requires the specific contents of excess emissions reports for opacity from facilities that employ continuous opacity monitors (COMs).

6NYCRR 227-2.4 (c) (2)

This regulation requires mid-size boilers (fuel combustion units with a maximum heat input capacity greater than 50 million Btu per hour and equal to or less than 100 million Btu per hour that produce steam or heats water or any other heat transfer medium) to meet the following emission limits (listed in pounds NO_x per million Btu) by May 31, 1985:

for Gas fuel -	0.10
for Distillate Oil -	0.12
for Residual Oil -	0.30

Compliance with these emission limits are determined with a 1-hour average in accordance with section 227-2.6(a)(4). If CEMs are used to determine compliance, the requirements of 227-2.6(b) apply, including the use of a 24-hour averaging period.

6NYCRR 227-2.4 (d)

This rule specifies that the reasonably available control technology (RACT) requirement for small boilers (< or = 50 million BTUs/hr) at Title V facilities consists of an annual tune-up.

6NYCRR 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.

6NYCRR 227-2.6 (b) (3) (i)

This rule specifies the data averaging requirements for continuous emissions monitors (CEM) of oxides of nitrogen (NO_x) for sources subject to this requirement.

6NYCRR 227-2.6 (b) (4) (iv)

An owner or operator of a combustion installation which utilizes continuous emission monitors is required to tabulate and report operating parameters and NO_x emission data

6NYCRR 231-2

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 addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

6NYCRR 237-1.6 (e)

This requires the owners and operators of the NO_x budget source and each NO_x budget unit at the source to keep pertinent documents at the site for a period of 5 years; and lists which documents are pertinent.

6NYCRR 237-2

This condition requires the permittee to select and authorize one person to manage, and represent the owners of any



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NOx budget unit; and specifies the responsibilities of this NOx authorized account representative

6NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6NYCRR 237-7.1

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

6NYCRR 237-8

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

6NYCRR 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.

6NYCRR 238-2.1

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

6NYCRR 238-4.1

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

6NYCRR 238-7.1

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

6NYCRR 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.

Compliance Certification

Summary of monitoring activities at ROSETON GENERATING STATION:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
U-R000A/-/RAG	record keeping/maintenance procedures	1-5
U-R000A/0000A/RAO/SR00A	work practice involving specific operations	55
U-R000A/0000A/RAO/SR00A	record keeping/maintenance procedures	54
U-R000A FACILITY	record keeping/maintenance procedures	1-4
FACILITY	record keeping/maintenance procedures	38
FACILITY	record keeping/maintenance procedures	39
FACILITY	record keeping/maintenance procedures	40
FACILITY	record keeping/maintenance procedures	41



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Table listing various permit conditions and their corresponding page numbers, such as 'FACILITY record keeping/maintenance procedures 42'.

Basis for Monitoring

The proposed burner/boiler combination is not on the list of approved Low NOx burners so the facility must perform stack testing to show compliance with the limit of 0.10 lbs/million BTU for firing natural gas only.

The facility is taking a limit of 7000 hours of Boiler operation during any 12 month period. This limit caps the PTE of Oxides of Nitrogen at 35 tons. The applicability trigger for Part 231 is 40 tons so the modification is not subject to Part 2321.