

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 3-3928-00010/00039    Modification Number: 1**



**09/03/2004**

**Facility Identification Data**

Name: LOVETT GENERATING STATION  
Address: 37 ELM ST  
TOMKINS COVE, NY 10986

**Owner/Firm**

Name: MIRANT LOVETT LLC  
Address: FOUR EXECUTIVE BLVD SUITE 100  
SUFFERN, NY 10901, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
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Address: MIRANT NY-GEN LLC  
FOUR EXECUTIVE BLVD SUITE 100  
SUFFERN, NY 10901  
Phone:8457868070

**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**

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Modification 1

The Environmental Protection Agency (EPA) received a petition from the New York Public Interest Research Group, Inc. (NYPIRG) dated November 26, 2001 requesting that EPA object to the issuance of a state operating permit, pursuant to Title V of the Clean Air Act for the Lovett Generating Station. EPA issued an "Order Granting in Part and Denying in Part Petition for Objection to Permit" on February 19, 2003. Subsequently, EPA issued a letter dated March 13, 2003 outlining permit revisions required by the Order and outlining additional issues that may require permit revisions.

A summary of changes to the Title V permit required by the February 19, 2003 USEPA Order are listed below.

Prepare and submit a complete statement of basis (a "permit review report") pursuant to the requirements of 40 CFR Part 70.7(a)(5).

Add language to clarify the requirements relating to annual compliance certification reporting.

Incorporate additional prompt reporting requirements into the permit as committed in the DEC's November 16, 2002 letter.

Remove excuse provisions that cite 6 NYCRR Part 201-1.4 from the federal side of the permit and incorporate the condition into the state side.

Include in the permit review report a detailed description of contaminant collection and disposition associated with the Electrostatic Precipitators and coal handling.

Include monitoring of opacity associated with the handling of ESP flyash and collected material from the coal handling .

Modify original Title V permit condition 53 to include a complete version of the opacity compliance scheduled outlined in the August 18, 1998 Order on Consent.

A summary of additional issues outlined by EPA's March 13, 2003 letter which were identified as may require permit revisions are listed below.

Revise issued permit condition 41 - Episode Action Plan to indicate whether Lovett has completed an Episode Action Plan.

Revise issued permit condition 49 - Fuel Recordkeeping to indicate record retention for a period not less than 5 years.

Revise issued permit condition 69 - Particulate Monitoring for EU 1-00001 to indicate more frequent performance testing and establish operational ranges.

Revise issued permit conditions 71 thru 74 - PCB's and Waste-Oil for EU 1-00001 to indicate

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additional monitoring .

Revise issued permit condition 79, 86 - Particulate Monitoring for EU 1-00002 and EU 1-00003 to indicate more frequent performance testing and establish operational ranges.

Revise issued permit condition 92, 95 - Particulate Monitoring for Coal Handling Processes to require an EPA Method 5 performance test.

Revise issued permit condition 94, 96 - Opacity Monitoring for Coal Handling Processes to require EPA Method 9 testing in conjunction with other monitoring.

The Modification also includes a number of standard permit condition expirations and replacements consistent with the ongoing enhancements to the implementation of NYSDEC's Title V permitting process. Each permit condition expired and new condition are identified in the permit.

On June 11, 2003, NYSDEC and Mirant New York Inc. executed a Consent Decree for alleged violations of New Source Review (NSR) provisions including the Prevention of Significant Deterioration (PSD) and common law of public nuisance regarding emissions of nitrogen oxides (NOx) and sulfur dioxide (SO2). As a requirement of the Consent Decree, Mirant must submit a permit application by August 1, 2003 to address future facility modifications. A detailed compliance plan will be included as part of Title V permit modification 2.

**Attainment Status**

LOVETT GENERATING STATION is located in the town of STONY POINT in the county of ROCKLAND.

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.)

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

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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 IS AN ELECTRIC GENERATING STATION CONSISTING OF THREE MULTIPLE FUEL-FIRED BOILERS AND VARIOUS SUPPORT EQUIPMENT. THE FACILITY ALSO CONTAINS COAL AND ASH HANDLING/PROCESSING SYSTEMS AND SEVERAL LIQUID STORAGE TANKS DIRECTLY RELATED TO THE PRODUCTION OF POWER AS WELL AS NUMEROUS ACTIVITIES THAT ARE USED IN DAILY MAINTENANCE AND OPERATION. THE LARGE COMBUSTION SOURCES INCLUDE BOILER NO. 3 WHICH FIRES NO. 6 FUEL AND NATURAL GAS WITH A MAXIMUM HEAT INPUT RATE OF 727 MMBTU/HR. BOILER NO. 4 FIRES NO. 6 FUEL, NATURAL GAS, AND COAL WITH A MAXIMUM HEAT INPUT OF 1835 MMBTU/HR. BOILER NO. 5 ALSO FIRES NO. 6 FUEL OIL, NATURAL GAS, AND COAL AND IS RATED AT 1920 MMBTU/HR. THE 350 kW NATURAL GAS-FIRED EMERGENCY GENERATOR IS USED ONLY IN THE EVENT OF POWER OUTAGES, AND IS NOT DESIGNED TO RUN SYNCHRONIZED TO THE SYSTEM OR TO RUN SERVING A PORTION OF THE LOAD WHILE THE PRIMARY SOURCE IS SERVING THE REMAINING LOAD.

**Permit Structure and Description of Operations**

The Title V permit for LOVETT 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 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

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process - any device or contrivance which may emit air contaminants that is not included in the above categories.

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

Emission unit 100001 - BOILER NO. 3 - A COMBUSTION ENGINEERING NO. 6 OIL/NATURAL GAS-FIRED BOILER RATED AT 727 MMBTU/HR. NO. 2 OIL IS USED AS A START-UP FUEL. THIS EMISSION UNIT ALONG WITH BOILER NOS. 4 & 5 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO<sub>x</sub> EMISSIONS.

Emission unit 100001 is associated with the following emission points (EP):  
00003

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

Process: 1GS is located at Ground, Building BLR1 - TANGENTIAL-FIRED COMBUSTION ENGINEERING BOILER NO 3 RATED AT 727 MMBTU/HR FIRING NATURAL GAS. NO ADD-ON CONTROLS ARE IN PLACE TO CONTROL NO<sub>x</sub>.

Process: 1OL is located at Ground, Building BLR1 - TANGENTIAL-FIRED COMBUSTION ENGINEERING BOILER NO. 3 RATED AT 727 MMBTU/HR FIRING NO. 6 OIL. NO ADD-ON CONTROLS ARE IN PLACE TO CONTROL NO<sub>x</sub>.

Process: WOL is located at GROUND, Building BLR1 - TANGENTIAL-FIRED COMBUSTION ENGINEERING BOILER NO 3 RATED AT 727 MMBTU/HR FIRES WASTE OIL COLLECTED ON SITE. NO ADD-ON CONTROLS ARE IN PLACE TO CONTROL NO<sub>x</sub>.

Emission unit 1ASHND - FLY ASH FROM THE BOILERS IS CONVEYED FROM PRECIPITATOR HOPPERS TO STORAGE SILOS. ASH IS DISCHARGED TO TRUCKS THROUGH A CONDITIONER. ASH IS TRANSPORTED OFFSITE BY A CONTRACTED TRUCKING COMPANY.

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

Process: P05ASH FROM THE STORAGE SILOS IS DISCHARGED TO TRUCKS THROUGH AN ASH CONDITIONER.

Process: P06ASH IS TRANSPORTED AND DISPOSED OFFSITE BY AN INDEPENDENT CONTRACTOR.

Process: P07ASH IS TRANSPORTED OFFSITE BY A CONTRACTED TRUCKING COMPANY.

Emission unit 1CLHND - COAL HANDLING ACTIVITIES. COAL IS BROUGHT IN BY RAILCAR, UNLOADED, AND REDUCED IN SIZE BEFORE TRANSFER BY CONVEYOR TO A STORAGE PILE OR SILO. BOILER NOS. 4 & 5 ARE FIRED BY COAL STORED IN THE SILOS. COAL IS SPREAD AND GRADED BY BULLDOZER ON THE STORAGE PILE. REQUIRED COAL IS RECLAIMED INTO A HOPPER AND TRANSPORTED FROM THE STORAGE PILE TO THE BOILER BUILDING VIA UNDERGROUND/ENCLOSED CONVEYOR BELTS. THE CRUSHER AND TRANSFER BUILDINGS AND STORAGE SILOS EACH HAVE DEDICATED PARTICULATE COLLECTORS.

Emission unit 1CLHND is associated with the following emission points (EP):  
00041, 00051

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

Process: P01 is located at GROUND, Building CTSB - RAILCARS ARE UNLOADED INSIDE THE SHAKER BUILDING (ENCLOSED STRUCTURE) VIA A HOPPER AT THE BOTTOM OF EACH CAR. WHEN FREEZING OCCURS, CARS ARE HEATED IN THE THAW SHED. CARS ARE SHAKEN TO ASSIST WITH COAL REMOVAL. COAL IS TRANSFERRED TO SILO STORAGE OR THE COAL PILE AFTER SIZE REDUCTION IN THE CRUSHER BUILDING.

Process: P02COAL IS TRANSFERRED FROM THE RECEIVING/REDUCTION AREA BY AN UNDERGROUND CONVEYOR TO THE COAL STORAGE PILE. DISCHARGE POINT IS A CONTINUOUS DROP OPERATION.

Process: P03BULLDOZING OPERATIONS ARE CONDUCTED ON THE ENTIRE COAL PILE TO SPREAD OUT THE MATERIAL EVENLY.

Process: P04REQUIRED COAL IS MOVED TO A RECLAIM HOPPER AND IS TRANSPORTED FROM THE STORAGE PILE TO THE BOILER BUILDING VIA UNDERGROUND/ENCLOSED CONVEYOR BELTS.

Emission unit 100003 - BOILER NO. 5 - A BABCOCK & WILCOX NO. 6 OIL/NATURAL GAS/COAL-FIRED BOILER RATED AT 1986 MMBTU/HR WITH ELECTROSTATIC PRECIPITATOR FOR PARTICULATE CONTROL. THIS UNIT WAS RECONVERTED FROM OIL-FIRED TO COAL-FIRED IN 1985. UNDER THE SPECIAL CONDITIONS OF THE COMMISSIONER'S ORDER FOR ORANGE AND ROCKLAND UTILITIES DATED APRIL 1982, ELECTROSTATIC CONTROL EQUIPMENT WAS TO BE INSTALLED. THE ESPS WERE TO ACHIEVE BACT LEVELS OF PARTICULATE CONTROL AT 0.03 POUNDS PER MILLION BTU OF HEAT INPUT. THIS EMISSION UNIT ALONG WITH BOILER NOS. 3 & 4 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO<sub>x</sub> EMISSIONS.

Emission unit 100003 is associated with the following emission points (EP):  
00005

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

Process: 3GS is located at GROUND, Building BLR1 - FACE-FIRED BABCOCK & WILCOX BOILER NO 5 RATED AT 1986 MMBTU/HR FIRING NATURAL GAS. AN ESP CONTROLS PARTICULATE MATTER AND NO<sub>x</sub> EMISSIONS ARE REDUCED BY LOW NO<sub>x</sub> BURNERS AND OVERFIRE AIR COMBUSTION.

Process: 3OL is located at GROUND, Building BLR1 - Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing No. 6 oil. An ESP controls particulate matter and NO<sub>x</sub> emissions are reduced by low NO<sub>x</sub> burners and overfire air combustion.

Process: CL4 is located at GROUND, Building BLR1 - Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing bituminous coal. An ESP controls particulate matter and NO<sub>x</sub> emissions are reduced by low NO<sub>x</sub> burners and overfire air combustion.

Process: CL5 is located at GROUND, Building BLR1 - Face-fired Babcock & Wilcox Boiler No. 5 rated at 1,986 mmBTU/hr firing bituminous coal. An ESP controls particulate matter and NO<sub>x</sub> emissions are reduced by low NO<sub>x</sub> burners and overfire air combustion.

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Emission unit 100002 - BOILER NO. 4 - A FOSTER WHEELER NO. 6 OIL/NATURAL GAS/COAL-FIRED BOILER RATED AT 1816 MMBTU/HR IS EQUIPED WITH AN ELECTROSTATIC PRECIPITATOR TO CONTROL PARTICULATE EMISSIONS. THIS UNIT WAS RECONVERTED FROM OIL-FIRED TO COAL-FIRED IN 1985. UNDER THE SPECIAL CONDITIONS OF THE COMMISSIONER'S ORDER FOR ORANGE AND ROCKLAND UTILITIES DATED APRIL 1982, ELECTROSTATIC CONTROL EQUIPMENT WAS TO BE INSTALLED. THE ESPS WERE TO ACHIEVE BACT LEVELS OF PARTICULATE CONTROL AT 0.03 POUNDS PER MILLION BTU OF HEAT INPUT. THIS EMISSION UNIT ALONG WITH BOILER NOS. 3 & 5 EMPLOY SYSTEM-WIDE AVERAGING FOR THE DETERMINATION AND REPORTING OF NO<sub>x</sub> EMISSIONS.

Emission unit 100002 is associated with the following emission points (EP):  
00004

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

Process: 2GS is located at GROUND, Building BLR1 - FACE-FIRED FOSTER WHEELER BOILER NO. 4 RATED AT 1816 MMBTU/HR FIRES NATURAL GAS. AN ESP CONTROLS PARTICULATE MATTER AND NO<sub>x</sub> EMISSIONS ARE REDUCED BY LOW NO<sub>x</sub> BURNERS AND OVERFIRE AIR COMBUSTION.

Process: 2OL is located at GROUND, Building BLR1 - FACE-FIRED FOSTER WHEELER BOILER NO. 4 RATED AT 1816 MMBTU/HR FIRING NO. 6 OIL. AN ESP CONTROLS PARTICULATE MATTER AND NO<sub>x</sub> EMISSIONS ARE REDUCED BY LOW NO<sub>x</sub> BURNERS AND OVERFIRE AIR COMBUSTION.

Process: CL2 is located at GROUND, Building BLR1 - FACE-FIRED FOSTER WHEELER BOILER NO. 4 RATED AT 1816 MMBTU/HR FIRING BITUMINOUS COAL. AN ESP CONTROLS PARTICULATE MATTER AND NO<sub>x</sub> EMISSIONS ARE REDUCED BY LOW NO<sub>x</sub> BURNERS AND OVERFIRE AIR COMBUSTION.

Process: CL3 is located at GROUND, Building BLR1 - FACE-FIRED FOSTER WHEELER BOILER NO. 4 RATED AT 1816 MMBTU/HR FIRING BITUMINOUS COAL. AN ESP CONTROLS PARTICULATE MATTER AND NO<sub>x</sub> EMISSIONS ARE REDUCED BY LOW NO<sub>x</sub> BURNERS AND OVERFIRE AIR COMBUSTION.

Emission unit 1WAWTP - WASTEWATER TREATMENT PLANT OPERATES TO TREAT RUNOFF FROM PLANT DRAINS AND COAL PILE RUNOFF. THE PLANT USES ACID AND CAUSTIC TO MODIFY THE pH OF THE WATER AND ANIONIC POLYMER TO PRECIPITATE SOLIDS INCLUDING METALS. CLEAN WATER IS DISCHARGED TO THE HUDSON RIVER. OPERATIONS ARE MONITORED THROUGH CONDITIONS WITHIN THE EXISTING SPDES PERMIT NO. 3-3928-10/2-0. FUGITIVE EMISSIONS WERE DETERMINED FOR OUTFALL 21 WHICH IS THE DISCHARGE POINT FOR THE WASTEWATER TREATMENT PLANT CONTROLLING COAL PILE RUNOFF AND/OR METAL CLEANING WASTEWATER. OTHER DISCHARGE POINTS MUST MONITOR FOR OIL AND GREASE CONTENT, BUT VOC EMISSIONS ARE EXPECTED TO BE NEGLIGIBLE.

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

Process: W01OUTFALL 21 OF THE WASTEWATER TREATMENT PLANT.

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**Title V/Major Source Status**

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

The Lovett Generating Station is a major source for emissions of sulfur dioxide, particulates, oxides of nitrogen, carbon monoxide, individual and total hazardous air pollutants as defined by 6 NYCRR 201-2.1(21).

**Program Applicability**

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

<b>Regulatory Program</b>	<b>Applicability</b>
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

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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

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

SIC Code	Description
4911	ELECTRIC SERVICES

### SCC Codes

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

SCC Code	Description
1-01-002-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (BITUMINOUS COAL)
1-01-013-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - LIQUID WASTE Waste Oil
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-006-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Tangentially Fired Units
1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-01-004-04	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Tangential Firing
3-05-010-46	MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS)
3-05-010-08	Bulldozing: Coal MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS)
3-05-010-11	MINERAL PROD - COAL MINING, CLEANING & MATL HANDL: UNLOADING MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS)
3-05-010-16	MINERAL PROD - COAL MINING, CLEANING & MATL HANDL: COAL TRANSFER MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS)
	MINERAL PROD - COAL MINING, CLEANING & MATL HANDL:

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3-05-105-99	LOADING-CLEAN COAL MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS LOADING OPERATION Other Not Classified
3-05-103-99	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS OPEN STOCKPILES Other Not Classified
5-01-007-69	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - SEWAGE TREATMENT STORAGE BASIN OR OPEN TANK

**Facility Emissions Summary**

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

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
007440-36-0	ANTIMONY (HAP)		> 0 but < 10 tpy
007440-38-2	ARSENIC (HAP)		>= 10 tpy
000071-43-2	BENZENE (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)		>= 10 tpy
007440-48-4	COBALT (HAP)		> 0 but < 10 tpy
000050-00-0	FORMALDEHYDE (HAP)		> 0 but < 10 tpy
0NY100-00-0	HAP		>= 250 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)		>= 10 tpy
007664-39-3	HYDROGEN FLUORIDE (HAP)		>= 10 tpy
007439-92-1	LEAD (HAP)		> 0 but < 10 tpy
007439-96-5	MANGANESE (HAP)		>= 10 tpy
007439-97-6	MERCURY (HAP)		> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)		>= 10 tpy

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0NY210-00-0	OXIDES OF NITROGEN	>= 250 tpy
0NY075-00-0	PARTICULATES	>= 250 tpy
0NY075-00-5	PM-10	>= 250 tpy
001336-36-3	POLYCHLORINATED BIPHENYL (HAP)	> 0 but < 10 tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS (HAP)	> 0 but < 10 tpy
007782-49-2	SELENIUM (HAP)	> 0 but < 10 tpy
007704-34-9	SULFUR	>= 250 tpy
015117-53-0	SULFUR 35	>= 250 tpy
007446-09-5	SULFUR DIOXIDE	>= 250 tpy
0NY998-00-0	VOC	>= 100 tpy but < 250 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Sealing - 6NYCRR Part 200.5**

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

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

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

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

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6NYCRR Part 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in

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accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

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

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

- (a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.
- (b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

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

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

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

- (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions 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

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proof.

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

**Item F: Recycling and Salvage - 6NYCRR Part 201-1.7**

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

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

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

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

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

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

The owner and/or operator of an emission source or unit that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must

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maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

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

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

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

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

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

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

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

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

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

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

The permittee shall furnish to the Department, within a reasonable time, any information that the Department may request in writing to

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

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

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

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

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

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

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

- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

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

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

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

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

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

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

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

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit

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

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

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

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

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

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establishing the emissions standards or other terms or conditions of the permit.

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

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

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

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

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

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

**Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3**

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

**Item AA: Open Fires - 6 NYCRR Part 215**

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

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

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

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

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

The owner or operator of the permitted facility must maintain all 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

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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**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>	<b>Condition</b>
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	1-17
1-CLHND	40CFR 60-Y.252 (c)	Standards of Performance for Coal Preparation Plants -standards for particulate matter	91
FACILITY	40CFR 68	Chemical accident prevention provisions	1-8
FACILITY	40CFR 72-A.6 (a) (2)	The Facilities which are in Phase 2 of Title IV and are listed in Table 2 or 3 of 40 CFR Part 73.10.	61
FACILITY	40CFR 75-B.10 (a)	Continuous emission monitoring - general operating requirements	62
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	1-18
FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	24, 64, 65
FACILITY	6NYCRR 201-6.5 (c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-1
FACILITY	6NYCRR 201-6.5 (c) (2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-2
FACILITY	6NYCRR 201-6.5 (c) (3)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	25
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	1-3
FACILITY	6NYCRR 201-6.5 (e)	Compliance Certification	1-4
FACILITY	6NYCRR 201-6.5 (g)	Permit shield	28
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	30
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	31
FACILITY	6NYCRR 204-1.6	Standard Requirements	32
FACILITY	6NYCRR 204-2.1	Authorization and Responsibilities of the	33

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FACILITY	6NYCRR 204-4.1	Compliance Certification Report	34, 35
FACILITY	6NYCRR 204-8.1	General Requirements	36
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1-00002	6NYCRR 204-8.1	General Requirements	77, 78
1-00003	6NYCRR 204-8.1	General Requirements	84, 85
FACILITY	6NYCRR 204-8.2	Initial Certification and Recertification Procedures	37
FACILITY	6NYCRR 204-8.3	Out of Control Periods	38
FACILITY	6NYCRR 204-8.4	Notifications	39
FACILITY	6NYCRR 204-8.7	Additional Requirements to Provide Heat Input Data for Allocations Purposes	40
FACILITY	6NYCRR 207	Control Measures for an Air Pollution Episode	1-5
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	100
1-ASHND	6NYCRR 211.3	General Prohibitions - visible emissions limited	1-13
1-CLHND	6NYCRR 211.3	General Prohibitions - visible emissions limited	1-14
1-CLHND/00041	6NYCRR 212.3 (b)	General Process Emission Sources - emissions from existing emission sources	1-15
1-CLHND/00051	6NYCRR 212.3 (b)	General Process Emission Sources - emissions from existing emission sources	1-16
1-CLHND/00041	6NYCRR 212.4 (a)	General Process Emission Sources - emissions from new sources and/or modifications	93
1-CLHND/00051/P01/0SHRB	6NYCRR 212.4 (a)	General Process Emission Sources - emissions from new sources and/or modifications	97
1-CLHND/00041	6NYCRR 212.6 (a)	General Process Emission Sources - opacity of emissions limited	94
1-CLHND/00051	6NYCRR 212.6 (a)	General Process Emission Sources - opacity of emissions limited	96
FACILITY	6NYCRR 225-1.2 (a) (2)	Sulfur in Fuel Limitations Post 12/31/87.	44
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FACILITY	6NYCRR 225-1.7 (e)	Emission and fuel monitoring.	48
FACILITY	6NYCRR 225-1.8	Reports, sampling and analysis.	1-6
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1-00001/-/WOL	6NYCRR 225-2.7	Reports, sampling and analysis of waste fuels A and B.	1-10
1-00001	6NYCRR 227-1.2 (a) (1)	Particulate Emissions from Liquid Fuels.	1-9
1-00002	6NYCRR 227-1.2 (a) (1)	Particulate Emissions from Liquid Fuels.	1-11
1-00003	6NYCRR 227-1.2 (a) (1)	Particulate Emissions from Liquid Fuels.	1-12
1-00002/-/CL2/00UN2	6NYCRR 227-1.2 (a) (4)	Particulate Emissions Firing Solid Fuels.	81
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1-00001/00003	6NYCRR 227-1.3	Smoke Emission Limitations.	75
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1-00003	6NYCRR 227-2.6 (a) (1)	Testing, monitoring, and reporting requirements for very large boilers.	87
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FACILITY	6NYCRR 227-3.12	AARs - Authorized Account Representatives.	57
FACILITY	6NYCRR 227-3.13	Emissions Monitoring	
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FACILITY	6NYCRR 227-3.15	Reporting	58
FACILITY	6NYCRR 227-3.16	Annual Reconciliation of Allowances and NOx Emissions	59
FACILITY	6NYCRR 227-3.17	Compliance Certification	60

Applicability Discussion:

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

ECL 19-301.

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

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements

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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 201-6

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

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

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

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

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

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

This regulation specifies that the permit incorporate all reporting requirements associated with an applicable federal rule, the submittal of any required monitoring reports at least every 6 months, and 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 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

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address where the reports are to be sent.

6NYCRR Part 201-6.5(g)

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

6NYCRR Part 202-2.1

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

6NYCRR Part 202-2.5

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

6NYCRR Part 211-.2

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

6 NYCRR Part 211.3

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

40 CFR Part 68.

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

**Facility Specific Requirements**

In addition to Title V, LOVETT GENERATING STATION has been determined to be subject to the following regulations:

40CFR 60-Y.252 (c)

This condition limits opacity associated with facility coal handling and processing.

40CFR 72-A.6 (a) (2)

This section references tables containing a list of utilities affected by Phase II of Title IV of the Clean Air Act. It also references the exceptions, or those that are exempt.

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40CFR 75-B.10 (a)

This section specifies the primary measurement requirements for opacity, and all SO<sub>2</sub>, NO<sub>x</sub>, and CO<sub>2</sub> emissions from the facility. It details how often measurements are to be made and the general type of systems to be used.

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

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

6NYCRR 204-1.6

This condition requires the designated representative of the permittee to make submissions for the NO<sub>x</sub> Budget Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-2.1

This condition states the submission requirements for the NO<sub>x</sub> Budget Trading Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-4.1

This condition covers the compliance certification report requirements for the NO<sub>x</sub> Budget Program.

6NYCRR 204-8.1

This condition lists the general requirements for the NO<sub>x</sub> Budget trading program. They include, but are not limited to monitoring requirements, certification, record keeping and reporting.

6NYCRR 204-8.2

This condition covers the procedures for initially certifying and recertifying the monitoring systems of the unit meet the requirements of the NO<sub>x</sub> Budget Program

6NYCRR 204-8.3

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

6NYCRR 204-8.4

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

6NYCRR 204-8.7

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

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6NYCRR 207

6NYCRR 212 .3 (b)

This rule requires existing sources (in operation on or before July 1, 1973) of solid particulates with environmental rating of B or C which are not subject to Table 5 "Processes for which Permissible Emission Rate is Based on Process Weight, to be limited to an particulate emission rate not to exceed 0.15 grains per dry standard cubic foot.

6NYCRR 212 .4 (a)

This rcondition requires the facility to conduct daily monitoring of the baghouse (coal handling) pressure differential.

6NYCRR 212 .6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6NYCRR 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.

6NYCRR 225-1.2 (e)

This condition requires quarterly reporting of sulfur dioxide emissions as measured by Continuous Emission Monitors.

6NYCRR 225-1.7 (c)

This regulation requires requires that measurements be made daily of the rate of each fuel burned, the gross heat content and ash content of each fuel burned (determined at least once per week), and the average electrical output (daily) and hourly generation rate.

6NYCRR 225-1.7 (e)

This regulation requires source owners subject to 6 NYCRR Part 225-1 to submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, or of measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such excesses if known, for the calendar quarter

6NYCRR 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.

6NYCRR 225-2.3 (b)

This regulation requires that each piece of equipment which fires Waste Fuel A demonstrate, at a

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minimum, 99% combustion efficiency in burning Waste fuel A.

6NYCRR 225-2.6 (c)

This regulation requires that Waste Fuels A or B be sold only to those facilities permitted to handle or use these fuels.

6NYCRR 225-2.7

This regulation specifies limits and parameter monitoring required to combust waste fuel oil.

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 227-1.2 (a) (4)

This regulation establishes a particulate emission limit in terms of lbs per mmBtu of heat input for stationary combustion units which fire solid fuels at variable sizes of heat input (mmBtu/hr).

6NYCRR 227-1.3

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

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 (b)

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

6NYCRR 227-2.5

This condition defines the NOx system wide average utilized by Mirant New York LLC based on accepted NOx RACT Operating Plans.

6NYCRR 227-2.6 (a) (1)

This regulation establishes the monitoring requirements for NOx RACT affected very large boilers (boilers with a heat input of greater than 250 mmBtu/hr).

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

This condition requires the facility to report quarterly a number of operating parameters consistent with large combustion sources.

6NYCRR 227-3.12

This condition requires the facility to have an Authorized Account Representative for the Pre 2003 NOx Budget Trading Program.

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6NYCRR 227-3.13

This condition included the emissions monitoring requirements for the Pre 2003 NOx Budget Trading Program.

6NYCRR 227-3.15

This condition spells out the reporting requirements for the Pre 2003 NOx Budget Trading Program.

6NYCRR 227-3.16

This condition spells out the requirements for surrender of allowances for the Pre 2003 NOx Budget Program.

6NYCRR 227-3.17

This condition lists the requirements for compliance certification for the Pre 2003 NOx Budget Trading Program.

**Compliance Certification**

Summary of monitoring activities at LOVETT GENERATING STATION:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
FACILITY	record keeping/maintenance procedures	61
FACILITY	record keeping/maintenance procedures	62
FACILITY	record keeping/maintenance procedures	25
FACILITY	record keeping/maintenance procedures	1-3
FACILITY	record keeping/maintenance procedures	1-4
FACILITY	record keeping/maintenance procedures	30
FACILITY	record keeping/maintenance procedures	32
FACILITY	record keeping/maintenance procedures	35
FACILITY	record keeping/maintenance procedures	39
FACILITY	record keeping/maintenance procedures	40
FACILITY	record keeping/maintenance procedures	1-5
1-ASHND	record keeping/maintenance procedures	1-13
1-CLHND	record keeping/maintenance procedures	1-14
1-CLHND/00041	intermittent emission testing	1-15
1-CLHND/00051	intermittent emission testing	1-16
1-CLHND/00041	monitoring of process or control device parameters as surrogate	93
1-CLHND/00051/P01/0SHRB	monitoring of process or control device parameters as surrogate	97
1-CLHND/00041	monitoring of process or control device parameters as surrogate	94
1-CLHND/00051	monitoring of process or control device parameters as surrogate	96
FACILITY	work practice involving specific operations	44
FACILITY	monitoring of process or control device parameters as surrogate	45
FACILITY	monitoring of process or control device parameters as surrogate	46
FACILITY	record keeping/maintenance procedures	47
FACILITY	record keeping/maintenance procedures	48
FACILITY	record keeping/maintenance procedures	1-6



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1-00001	work practice involving specific operations	68
1-00001/-/WOL	record keeping/maintenance procedures	1-10
1-00001	intermittent emission testing	1-9
1-00002	intermittent emission testing	1-11
1-00003	intermittent emission testing	1-12
1-00002/-/CL2/00UN2	intermittent emission testing	81
1-00003/-/CL4/00UN3	intermittent emission testing	88
1-00001/00003	continuous emission monitoring (cem)	75
1-00002/00004	continuous emission monitoring (cem)	82
1-00003/00005	continuous emission monitoring (cem)	89
FACILITY	record keeping/maintenance procedures	1-7
1-00001/00003	record keeping/maintenance procedures	76
1-00002/00004	record keeping/maintenance procedures	83
1-00003/00005	record keeping/maintenance procedures	90
FACILITY	record keeping/maintenance procedures	54
FACILITY	record keeping/maintenance procedures	55
FACILITY	record keeping/maintenance procedures	56
FACILITY	record keeping/maintenance procedures	58
FACILITY	record keeping/maintenance procedures	59
FACILITY	record keeping/maintenance procedures	60

**Basis for Monitoring**

The Lovett Generating Station must continuously monitor, maintain and certify monitoring systems for opacity, SO2 emissions , NOx emissions, CO2 emissions and volumetric flow rate as required by 40 CFR Part 75. This applies to the Lovett Generating Station as an affected unit subject to the Acid Rain program under Title IV of the Clean Air Act. Specifically, boiler units 3, 4 and 5 are affected units and are subject to sulfur dioxide allowances and NOx emission limits.

Sulfur Dioxide emissions are also limited to 1.0 lbs/mmBTU or 1.5 lb /mmBTU (depending on operating scenarios) as required by 6NYCRR Part 225. The facility utilizes continous emissions monitors, operated in accordance with 40 CFR Part 75, to effectively demonstrate compliance with the imposed limit. Reports detailing measured emissions and status of compliance are submitted quarterly.

Oxides of Nitrogen emissions are limited by 6 NYCRR Part 227-2, Reasonably Available Control Technology for Oxides of Nitrogen. The facility utilizes continous emissions monitors, operated in accordance with 40 CFR Part 75, to effectively demonstrate compliance with the imposed limit. A strategy of system wide averaging is utilized which incorporates emission units that are regionally owned and operated by Mirant New York. A NOx RACT Operating Plan specifies system wide averaging methodology. Reports detailing measured emissions and status of compliance are submitted quarterly.

The Lovett Generating Station boilers 4 and 5 are subject to a particulate emissions limit of 0.03 lbs/mmBTU while firing coal. This limit was established under a 1980's Consent Order. While firing No. 6 fuel oil, utility boilers 3, 4 and 5 are subject to a particulate limit of 0.1 lbs/mmBTU in accordance with 6 NYCRR 227. A performance test to demonstrate compliance with the 0.1 lbs/mmBTU limit is required once during the term of the permit in the event No. 6 fuel oil is used for a duration of greater than 720 hours. This is based on the premise that Boiler No. 3 utilizes natural gas as the primary fuel and boilers No. 4 and 5 utilize coal as the primary fuel. It is unlikely each unit will fire No. 6 fuel oil for a duration longer than 720 hours (historical records) and reducing the duration trigger is impractical considering the logistics in conducting a performance evaluation.

Utility boilers No. 4 and 5 are equipped with Electrostatic Precipitators (ESP) to control particulate emissions and will be utilized while firing coal and No. 6 fuel oil. In accordance with an August 18,

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1998 Consent Order, the Lovett Generating Station is required to implement Opacity Reduction. A summary of the Title V permit condition under 6 NYCRR 227-1.3(a) requires Opacity Incident Reporting, a Quality Assurance Program, personnel Awareness Communication and Training, Preventive Maintenance, Root Cause Analysis and Corrective Actions and ESP Operation Maintenance and Monitoring.

The Lovett Generating Station operates two baghouses to control dust associated with the handling and processing of coal. Collection of particulate emissions is evaluated daily by monitoring pressure differential. A stack test to demonstrate conformance with the 6 NYCRR 212 particulate emissions limit of 0.150 grains per dry standard foot is required once during the permit term. The combination of performance testing and daily monitoring is sufficient to demonstrate compliance. The disposal of coal dust is either to a dumpster specifically designed for this purpose or back to the station's coal pile for reclamation.

The following represents a summary discussion of flyash management employed by the Lovett Generating Station.

Flyash is a natural by-product of coal combustion, and as such, must be removed from the boiler exit stream and disposed of properly. At Lovett Station, this is done in two steps. The first step is to remove the ash from the gas stream and the second is to dispose of the removed ash.

Removal from gas stream - All of the fly ash generated in the boilers of Unit 4 and 5 is directed, via ductwork, through an electrostatic precipitator. There is one precipitator for each unit. The collected ash is then removed from the precipitator hoppers via a vacuum system. Each unit has its own vacuum system which deposit the ash into two silos at the ash unloading system.

Disposal of ash - Once in the ash unloading silos, the ash is then trucked out of the station. The system is capable of loading both dry ash and wet ash (mixed with river water) into the trucks. Fugitive dust is minimal during truck loading of wet ash. When the facility loads a dry ash into trucks for disposal, a visual observation of fugitive dust is required. These observations must be recorded in a bound logbook documenting each event. Once loaded, all outgoing trucks are rinsed. These trucks then proceed to a qualified disposal site or other post use facility. These sites are agreed on by the trucking contractor and the facility, prior to the truck arriving on site.

The Lovett Generating Station boiler unit No. 3 is permitted to fire waste fuel oil in accordance with 6 NYCRR 225-2. Analytical sampling for Lead, Total Halogens, PCB's, sulfur and heat content are required per 5,000 gallons.