

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 5-4126-00028/00009    Renewal Number: 1**



**07/12/2005**

**Facility Identification Data**

Name: INDECK CORINTH ENERGY CENTER  
Address: 24 WHITE ST  
CORINTH, NY 12822

**Owner/Firm**

Name: INDECK-ENERGY SERVICES INC  
Address: 600 N. BUFFALO GROVE RD. SUITE 300  
BUFFALO GROVE, IL 60089-1976, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
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Air Permitting Contact:  
Name: JOHN E HARE  
Address: INDECK CORINTH ENERGY CENTER  
24 WHITE ST  
CORINTH, NY 12822  
Phone:5186547895

**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.

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**Summary Description of Proposed Project**

This application is for renewal of Indeck's Title V Permit. Modifications include the addition of startup/shutdown limits for Carbon Monoxide and Oxides of Nitrogen.

**Attainment Status**

INDECK CORINTH ENERGY CENTER is located in the town of CORINTH in the county of SARATOGA.

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*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

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

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

**Facility Description**

This facility is a co-generation plant furnishing steam to the adjacent water production plant and electricity to Consolidated Edison. The facility is a combined-cycle gas turbine utilizing a GE Frame 7 gas turbine with evaporative cooling, an HRSG with duct burner, an SCR for NOx control and a GE steam turbine. The plant is operated from a centralized control room through a Westinghouse Distributed Control System (WDCS). Circulating water is cooled through a four-cell wet cooling tower. Natural gas is the primary fuel. A 375,000 gallon Number 2 fuel oil tank provides backup fuel. The facility operates between 80% and 100% load. Oil firing on the GT is limited to 2190 hours annually. The DB fires only natural gas. Operating hours on the GT and DB are not limited. The GT is equipped with dry low-NOx and the DB has low-NOx burners. SCR controls facility NOx to 9/18 ppm for gas/oil firing, respectively. This constitutes BACT.

**Permit Structure and Description of Operations**

The Title V permit for INDECK CORINTH ENERGY CENTER

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is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

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

INDECK CORINTH ENERGY CENTER is defined by the following emission unit(s):

Emission unit U00001 - This unit consists of a combustion gas turbine generator, a heat recovery steam generator with duct burner and a selective catalytic reduction system venting into one stack.

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

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

Process: 101 is located at Building 01 - GE Frame 7 gas turbine firing on natural gas. No duct firing.

Process: 102 is located at Building 01 - GE Frame 7 gas turbine firing on distillate oil. No duct firing.

Process: 104 is located at Building 01 - GE Frame 7 gas turbine and duct burner both firing natural gas.

**Title V/Major Source Status**

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

This facility is major for the following permitted emissions:

CONTAMINANT	PERMITTED EMISSION RANGE
CO	> 100 and < 250 TPY
NOx	> 100 and < 250 TPY

**Program Applicability**

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

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

**NOTES:**

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

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

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

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

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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.

<b>SIC Code</b>	<b>Description</b>
4911	ELECTRIC SERVICES

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ELEC & OTHER SERVICES COMBINED

**SCC Codes**

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

<b>SCC Code</b>	<b>Description</b>
2-02-001-03	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Turbine: Cogeneration
2-02-002-03	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine: Cogeneration

**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.

<b>Cas No.</b>	<b>Contaminant Name</b>	<b>PTE</b>	
		<b>lbs/yr</b>	<b>Range</b>
007664-41-7	AMMONIA		>= 50 tpy but < 100 tpy
007440-38-2	ARSENIC (HAP)		> 0 but < 10 tpy
007440-43-9	CADMIUM (HAP)		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE		>= 100 tpy but < 250 tpy

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007440-47-3	CHROMIUM (HAP)	> 0 but < 10 tpy
0NY064-29-0	COPPER (CU 064)	> 0 but < 2.5 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0 but < 10 tpy
0NY100-00-0	HAP	>= 2.5 tpy 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
0NY059-28-0	NICKEL (NI 059) (HAP)	>= 2.5 tpy but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 100 tpy but < 250 tpy
0NY075-00-0	PARTICULATES	>= 40 tpy but < 50 tpy
0NY075-00-5	PM-10	>= 40 tpy but < 50 tpy
007782-49-2	SELENIUM (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 50 tpy but < 100 tpy
007440-62-2	VANADIUM	> 0 but < 2.5 tpy
0NY998-00-0	VOC	>= 25 tpy but < 40 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**

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

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

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

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

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

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

- (a) The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
  - (1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;
  - (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
  - (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Item P:            Cessation or Reduction of Permitted Activity Not a Defense - 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

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

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

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

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

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

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

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

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

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

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

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

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.

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

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

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

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

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

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

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

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

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

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



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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**

<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	74
FACILITY	40CFR 52-A.21 (j)	Best Available Control Technology	11
U-00001/-/102/C00GT	40CFR 52-A.21 (j)	Best Available Control Technology	38
U-00001/00001	40CFR 52-A.21 (j)	Best Available Control Technology	39, 40, 41, 42
U-00001/00001/101	40CFR 52-A.21 (j)	Best Available Control Technology	45, 46, 47, 48, 49, 50, 51, 52
U-00001/00001/102	40CFR 52-A.21 (j)	Best Available Control Technology	55, 56, 57, 58, 59, 60, 61, 62, 63
U-00001/00001/104	40CFR 52-A.21 (j)	Best Available Control Technology	66, 67, 68, 69, 70, 71, 72, 73
FACILITY U-00001	40CFR 52-A.21 (j) (1) 40CFR 60-A.13	Control Technology Review General provisions - Monitoring requirements	12 36
U-00001	40CFR 60-A.7 (b)	Notification and Recordkeeping	32
U-00001	40CFR 60-A.7 (c)	Notification and Recordkeeping	33
U-00001	40CFR 60-A.7 (f)	Notification and Recordkeeping	34
FACILITY U-00001	40CFR 60-A.8 (c) 40CFR 60-A.9	Performance Tests General provisions - Availability of information	13 35
FACILITY	40CFR 60-GG.334 (b)	Monitoring of Operations: CEMS	14
FACILITY	40CFR 64	COMPLIANCE ASSURANCE MONITORING	15
FACILITY	40CFR 68	Chemical accident prevention provisions	16
U-00001	40CFR 72-A.6 (a) (3) (i)	The applicability provisions in Title IV for new facilities.	37
FACILITY	40CFR 82-F	Protection of Stratospheric Ozone - recycling and emissions	17

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FACILITY	6NYCRR 201-6	and violations	
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		Associated Permit	19
		Conditions	
U-00001/00001/101	6NYCRR 201-6	Title V Permits and the	43, 44
		Associated Permit	
		Conditions	
U-00001/00001/102	6NYCRR 201-6	Title V Permits and the	53, 54
		Associated Permit	
		Conditions	
U-00001/00001/104	6NYCRR 201-6	Title V Permits and the	64, 65
		Associated Permit	
		Conditions	
FACILITY	6NYCRR 201-6.5(c)	Permit conditions for	3
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5(c)(2)	Permit conditions for	4
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for	5
		Recordkeeping and	
		Reporting of Compliance	
		Monitoring	
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	2
FACILITY	6NYCRR 202-2.1	Emission Statements -	6
		Applicability	
FACILITY	6NYCRR 202-2.5	Emission Statements -	7
		record keeping	
		requirements.	
U-00001	6NYCRR 204-2.1	Authorization and	20
		Responsibilities of the	
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		Representative	
U-00001	6NYCRR 204-4.1	Compliance Certification	21, 22,
		Report	23
U-00001	6NYCRR 204-7.1	Submission of NOx	24
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U-00001	6NYCRR 204-8.2	Initial Certification and	28, 29
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		Procedures	
U-00001	6NYCRR 204-8.3	Out of Control Periods	30
U-00001	6NYCRR 204-8.4	Notifications	31
FACILITY	6NYCRR 211.2	General Prohibitions -	76
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		prohibited.	
FACILITY	6NYCRR 225-1.7	Emission and fuel	8
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FACILITY	6NYCRR 237-1.6(c)	Nitrogen oxides	79
		requirements	
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FACILITY	6NYCRR 238-1.6(a)	Applicability	87
FACILITY	6NYCRR 238-1.6(c)	Permit Requirements	88
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FACILITY	6NYCRR 238-1.6(f)	Recordkeeping and Reporting Requirements	90
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FACILITY	6NYCRR 238-1.6(g)	Effect on Other Authorities	92
FACILITY	6NYCRR 238-2.1	Authorization/responsibilities of the authorized account representative	93
FACILITY	6NYCRR 238-4.1	Compliance certification report	94
FACILITY	6NYCRR 238-7.1	Submission of SO2 allowance transfers	95
FACILITY	6NYCRR 238-8	Monitoring and Reporting	96

**Applicability Discussion:**

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

ECL 19-301.

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

6NYCRR Part 201-1.4

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

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

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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)(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 Part 201-6.5(e)

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

6NYCRR Part 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

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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.

#### 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, INDECK CORINTH ENERGY CENTER has been determined to be subject to the following regulations:

#### 40CFR 52-A.21 (j)

BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

#### 40CFR 52-A.21 (j) (1)

BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

#### 40CFR 60-A.13

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

#### 40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any

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startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40CFR 60-A.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40CFR 60-A.7 (f)

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

40CFR 60-A.8 (c)

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

40CFR 60-A.9

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

40CFR 60-GG.334 (b)

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

40CFR 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

40CFR 72-A.6 (a) (3) (i)

This section identifies which utilities are subject to the requirements of Title IV of the Clean Air Act; the "Acid Rain Program".

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

This regulation specifies any reporting requirements incorporated into the permit must include provisions

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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 204-2.1

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

6NYCRR 204-4.1

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

6NYCRR 204-7.1

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

6NYCRR 204-8.1

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

6NYCRR 204-8.2

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

6NYCRR 204-8.3

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

6NYCRR 204-8.4

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

6NYCRR 225-1.7

This regulation requires the use of continuous emissions monitors to monitor the emissions of sulfur dioxide. This applies to facilities with a total heat input greater than 250 million BTU per hour, are equipped with approved sulfur dioxide control equipment and are subject to the sulfur dioxide equivalent emission rate pursuant to 6 NYCRR Part 225-1.5(a).

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 227-2.1

This condition notes that a facility is subject to the reasonably available control technology (RACT) for oxides of nitrogen (NOx).

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6NYCRR 237-1.4 (a)

This condition specifies that any emission unit or facility with a unit; that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe, and sells any amount of electricity, is a NOx budget unit and subject to the requirements of NYCRR 237

6NYCRR 237-1.6 (a)

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

6NYCRR 237-1.6 (c)

This Item requires the owners and operators of each NOx budget source and each NOx budget unit to hold NOx allowances available for compliance deductions under NYCRR 237-6.5; and how such allowances will be managed.

6NYCRR 237-1.6 (e)

This requires the owners and operators of the NOx budget source and each NOx 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 237-1.6 (f)

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

6NYCRR 237-1.6 (g)

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

6NYCRR 237-2

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

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6NYCRR 238-1.4

This citation identifies the facility as having one or more SO2 budget units as defined by Federal Law, and as such is subject to the requirements of 6 NYCRR 238

6NYCRR 238-1.6 (a)

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

6NYCRR 238-1.6 (c)

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

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 238-1.6 (f)

This describes the liability issues regarding the requirements of the ADR SO2 Budget Trading Program .

6NYCRR 238-1.6 (g)

This item states that no provision of the ADR SO2 Budget Trading Program, a SO2 budget permit application, or a SO2 budget permit, will exempt or exclude the owners and operators from compliance with any other provisions of applicable State and federal law and regulations.

6NYCRR 238-2.1

This condition requires the permittee to select and authorize one person to manage, and represent the owners of any SO2 budget unit; and specifies the responsibilities of this SO2 authorized account representative

6NYCRR 238-4.1

This item specifies the requirements of the compliance certification report.

6NYCRR 238-7.1

This item specifies what information and actions are necessary in order to record the transfer of SO2 allowances.

6NYCRR 238-8

This item requires the owners and operators of a SO2 budget unit to comply with the monitoring and reporting requirements of NYCRR 238-8 and all applicable sections of 40 CFR part 75; and allows SO2 budget units to be summarily referenced in order to demonstrate compliance with the requirements of this item.

**Compliance Certification**

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Summary of monitoring activities at INDECK CORINTH ENERGY CENTER:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
FACILITY	record keeping/maintenance procedures	11
U-00001/-/102/C00GT	work practice involving specific operations	38
U-00001/00001	record keeping/maintenance procedures	39
U-00001/00001	record keeping/maintenance procedures	40
U-00001/00001	record keeping/maintenance procedures	41
U-00001/00001	record keeping/maintenance procedures	42
U-00001/00001/101	continuous emission monitoring (cem)	45
U-00001/00001/101	continuous emission monitoring (cem)	46
U-00001/00001/101	intermittent emission testing	47
U-00001/00001/101	intermittent emission testing	48
U-00001/00001/101	continuous emission monitoring (cem)	49
U-00001/00001/101	continuous emission monitoring (cem)	50
U-00001/00001/101	continuous emission monitoring (cem)	51
U-00001/00001/101	continuous emission monitoring (cem)	52
U-00001/00001/102	continuous emission monitoring (cem)	55
U-00001/00001/102	continuous emission monitoring (cem)	56
U-00001/00001/102	intermittent emission testing	57
U-00001/00001/102	continuous emission monitoring (cem)	58
U-00001/00001/102	continuous emission monitoring (cem)	59
U-00001/00001/102	intermittent emission testing	60
U-00001/00001/102	work practice involving specific operations	61
U-00001/00001/102	continuous emission monitoring (cem)	62
U-00001/00001/102	continuous emission monitoring (cem)	63
U-00001/00001/104	continuous emission monitoring (cem)	66
U-00001/00001/104	continuous emission monitoring (cem)	67
U-00001/00001/104	continuous emission monitoring (cem)	68
U-00001/00001/104	continuous emission monitoring (cem)	69
U-00001/00001/104	intermittent emission testing	70
U-00001/00001/104	continuous emission monitoring (cem)	71
U-00001/00001/104	intermittent emission testing	72
U-00001/00001/104	continuous emission monitoring (cem)	73
U-00001	record keeping/maintenance procedures	33
FACILITY	record keeping/maintenance procedures	13
FACILITY	record keeping/maintenance procedures	14
FACILITY	record keeping/maintenance procedures	15
U-00001/00001/101	continuous emission monitoring (cem)	43
U-00001/00001/101	continuous emission monitoring (cem)	44
U-00001/00001/102	continuous emission monitoring (cem)	53
U-00001/00001/102	continuous emission monitoring (cem)	54
U-00001/00001/104	continuous emission monitoring (cem)	64
U-00001/00001/104	continuous emission monitoring (cem)	65
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	2
FACILITY	record keeping/maintenance procedures	6
U-00001	record keeping/maintenance procedures	23
U-00001	record keeping/maintenance procedures	29
U-00001	record keeping/maintenance procedures	31
FACILITY	monitoring of process or control device parameters as surrogate	9
FACILITY	record keeping/maintenance procedures	79
FACILITY	record keeping/maintenance procedures	84
FACILITY	record keeping/maintenance procedures	86
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FACILITY

record keeping/maintenance procedures

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**Basis for Monitoring**

Continuous emission monitors (CEMs) are used to measure and record emissions of nitrogen oxides (NO<sub>x</sub>), carbon monoxide (CO) and ammonia. Emission limits are established for each process during normal operation, as well as for startup and shutdown periods. Quarterly reports are submitted which document instances where emissions exceed permit limits and when the CEMs are not operating. This facility is subject to CAM for both NO<sub>x</sub> and CO.

Sulfur dioxide emissions are controlled by limiting the amount of oil that can be burned and also restricting the facility to low sulfur content oil. The facility certifies compliance with these requirements semiannually.

Limits have been established for small particulate (PM-10) and volatile organic compound (VOC) emissions. Stack testing may be required at the Department's discretion but no specific monitoring is required. Compliance with the carbon monoxide limits, which are monitored continuously, are a strong indicator that VOC emissions are also within limits.

This renewal incorporates requirements of the NO<sub>x</sub> Budget Trading Program. This program is designed to mitigate the interstate transport of ozone and nitrogen oxides (NO<sub>x</sub>) and imposes strict control on the NO<sub>x</sub> monitoring system including testing and reporting to both DEC and EPA. It also requires the facility to own emission allowances to cover the amount of NO<sub>x</sub> emitted.

The renewal also incorporates requirements of the Acid Rain program (Title IV permit). This requires the facility to hold allowances for sulfur dioxide (SO<sub>2</sub>) emissions. Because the facility uses low sulfur fuels, emissions are calculated using emission factors and fuel usage rather than with continuous emission monitors. Fuel oil sulfur content is measured for each batch delivered.

Particulate testing is required at the discretion of the Department. To provide assurance that particulate emissions are within permit limits, the facility must make and record daily opacity observations and report results semiannually.