

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 6-2240-00009/00007    Renewal Number: 1**



**02/27/2007**

**Facility Identification Data**

Name: BLACK RIVER GENERATION LLC  
Address: SECOND ST WEST & ONEIDA AVE  
FORT DRUM, NY 13602

**Owner/Firm**

Name: BLACK RIVER GENERATION LLC  
Address: 6000 FAIRVIEW ROAD  
CHARLOTTE, NC 28210, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:  
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Air Permitting Contact:  
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PO BOX 849  
WATERTOWN, NY 13603

**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**

THIS APPLICATION REPRESENTS A RENEWAL OF BLACK RIVER POWER, LLC'S TITLE V

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OPERATING PERMIT FOR ITS ELECTRICAL GENERATING FACILITY HAVING AN EFFECTIVE DATE OF 01-APR-99. THE FACILITY, GENERATING NOMINALLY 50 MW, IS COMPRISED OF THREE CIRCULATING FLUIDIZED BED BOILERS, A CONDENSING STEAM TURBINE, RAIL SIDING, FUEL STORAGE PILES, AUXILIARY DIESEL GENERATORS, BUILDINGS, ASSOCIATED ELECTRICAL HARDWARE AND INTERCONNECTS, AND A WATER PIPING SYSTEM TO THE BLACK RIVER.

**Attainment Status**

BLACK RIVER GENERATION LLC is located in the town of LE RAY in the county of JEFFERSON. 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**

THE ELECTRICAL GENERATING FACILITY IS COMPRISED OF THREE CIRCULATING FLUIDIZED BED STREAM BOILERS OF 217 MMBTU/HR EACH. THE BOILERS EXHAUST THROUGH A SINGLE COMMON STACK AFTER CONTROL DEVICES. OTHER EMISSION UNITS IN SUPPORT OF THE MAIN BOILERS INCLUDE : THREE AUXILIARY DIESEL GENSETS; OUTDOOR FUEL STORAGE PILE(S); FUEL OIL STORAGE TANKAGE; AND SEVERAL EXEMPT/TRIVIAL ACTIVITIES INCLUDING ASH

**Permit Structure and Description of Operations**

The Title V permit for BLACK RIVER GENERATION LLC is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

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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.

BLACK RIVER GENERATION LLC is defined by the following emission unit(s):

Emission unit U00001 - EMISSION UNIT U00001 REPRESENTS THE COMMON EXHAUST POINT FOR THREE CIRCULATING FLUIDIZED BED BOILERS EACH WITH 217 MMBTU/HR ENERGY INPUT. THESE STEAM BOILERS ARE DESIGNATED SOURCES E0001, E0002 AND E0003.

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

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

Process: C01 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE COMBUSTION OF BITUMINOUS COAL FIRED ALONE OR IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS.

Process: C02 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE COMBUSTION OF ANTHRACITE COAL FIRED ALONE OR IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS.

Process: C03 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE COMBUSTION OF FUEL OIL FIRED ALONE OR IN COM BINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS.

Process: C04 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE

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STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE COMBUSTION OF WOOD FIRED ALONE OR IN COMBINATION

Process: C05 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE COMBUSTION OF PETROLEUM COKE FIRED ALONE OR IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS.

Process: C06 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS INVOLVES THE RE-BURN (COMBUSTION) OF HIGH CALORIC ASH FIRED ALONE OR IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS. THIS FUEL SHALL BE TREATED UNDER REGULATIONS AND THIS PERMIT AS COAL.

Process: C07 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE CO-FIRING OF AN ALTERNATIVE FUEL, NON-RECYCLABLE FIBROUS MATERIAL ( WASTE PAPER), FIRED IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS AND LIMITED TO 30 WEIGHT PERCENT OR LESS TOTAL FUEL FEED.

Process: C08 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE CO-FIRING OF AN ALTERNATIVE FUEL, TIRE DERIVED WASTE MATERIALS (TDF), FIRED IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS AND LIMITED TO 30 WEIGHT PERCENT OR LESS OF TOTAL FUEL FEED.

Process: C09 is located at 1, Building BLDG A - EMISSION UNIT U00001 CONSISTS OF THREE STEAM BOILERS (E0001, E0002 AND E0003) EACH SIZED AT 217 MMBTU/HR HEAT INPUT. ELECTRICITY IS PRODUCED FROM STEAM GENERATED BY THIS EMISSION UNIT. THIS PROCESS IS FOR THE CO-FIRING OF AN ALTERNATIVE FUEL, COAL TARS SOILS (CTS), FIRED IN COMBINATION WITH OTHER FUEL(S) IN ONE OR MORE BOILERS AND LIMITED TO 30 WEIGHT PERCENT OR LESS OF TOTAL FUEL FEED.

Emission unit U00002 - THIS EMISSION UNIT REPRESENTS THE OPERATION OF A DIESEL ELECTRICAL GENERATOR SET MANUFACTURED BY MITSUBISHI AND RATED AT 13 MMBTU/HR. THIS IS GENERATOR A.

Emission unit U00002 is associated with the following emission points (EP):  
00002

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

Process: D01 is located at 1, Building BLDG. C - EMISSION UNIT U00002 CONSIST OF A SINGLE DIESEL GENERATOR SET SIZED AT 13 MMBTU/HR HEAT INPUT AND USED TO PROVIDE AUXILIARY ELECTRICAL PLANT POWER AND PEAK SHAVING POWER. THIS PROCESS IS FOR INTERNAL COMBUSTION OF NON-TRANSPORTATION DIESEL FUEL.

Emission unit U00003 - THIS EMISSION UNIT REPRESENTS THE OPERATION OF A DIESEL



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ELECTRICAL GENERATOR SET MANUFACTURED BY MITSUBISHI AND RATED AT 13 MMBTU/HR. THIS IS GENERATOR B.

Emission unit U00003 is associated with the following emission points (EP):  
00003

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

Process: D02 is located at 1, Building BLDG. C - EMISSION UNIT U00003 CONSIST OF A SINGLE DIESEL GENERATOR SET SIZED AT 13 MMBTU/HR HEAT INPUT AND USED TO PROVIDE AUXILIARY ELECTRICAL PLANT POWER AND PEAK SHAVING POWER. THIS PROCESS IS FOR INTERNAL COMBUSTION OF NON-TRANSPORTATION DIESEL FUEL.

Emission unit U00004 - THIS EMISSION UNIT REPRESENTS THE OPERATION OF A DIESEL ELECTRICAL GENERATOR SET MANUFACTURED BY MITSUBISHI AND RATED AT 11.5 MMBTU/HR. THIS IS GENERATOR C.

Emission unit U00004 is associated with the following emission points (EP):  
00004

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

Process: D03 is located at 1, Building BLDG. C - EMISSION UNIT U00004 CONSIST OF A SINGLE DIESEL GENERATOR SET SIZED AT 11.5 MMBTU/HR HEAT INPUT AND USED TO PROVIDE AUXILIARY ELECTRICAL PLANT POWER AND PEAK SHAVING POWER. THIS PROCESS IS FOR INTERNAL COMBUSTION OF NON-TRANSPORTATION DIESEL FUEL.

Emission unit U00005 - THIS EMISSION UNIT REPRESENTS SOLID FUEL STOCKPILED, OUT OF DOORS, AND MAINTAINED IN INVENTORY TO SUPPORT COMBUSTION OPERATIONS.

Emission unit U00005 is associated with the following emission points (EP):  
00007, 00008

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

Process: S01 THIS EMISSION UNIT REPRESENTS FUGITIVE EMISSION FROM AN OUTDOOR FUEL PILE. A FUEL INVENTORY OF APPROXIMATELY 60,000 TONS MAXIMUM IS MAINTAINED IN A GENERAL ARRANGEMENT OF 450' (L) X 360' (H) AT MAXIMUM.

**Title V/Major Source Status**

BLACK RIVER GENERATION LLC is subject to Title V requirements. This determination is based on the following information:

The Black River Ltd. Electrical Generating Facility is subject to the requirements of Title V. This determination is based on the following information:

The facility's pollutant emissions which contribute to major source threshold are: Nitrogen Oxides, Carbon Monoxide, Particulates, PM-10, and Sulfur Dioxide. The facility is subject to Prevention of Significant Deterioration (PSD, 40 CFR 52.21) for: Carbon Monoxide, Nitrogen Oxides, and Sulfur Dioxide.

**Program Applicability**

The following chart summarizes the applicability of BLACK RIVER GENERATION LLC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability
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PSD	YES
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
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 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

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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>
4931	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

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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
1-01-001-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - ANTHRACITE COAL Traveling Grate (Overfeed) Stoker
1-01-002-17	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL ATMOSPHERIC FLUIDIZED BED COMBUSTION - BUBBLING BED (BITUM COAL)
1-01-002-18	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL ATMOSPHERIC FLUIDIZED BED COMBUSTION - CIRCULATING BED (BITUM COAL)
1-01-005-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-012-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - SOLID WASTE Specify Waste Material in Comments
1-02-002-17	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - SUBBITUMINOUS COAL ATMOSPHERIC FLUIDIZED BED COMBUSTION - BUBBLING BED (BITUM COAL)
1-02-009-07	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - WOOD/BARK WASTE Wood Cogeneration
2-02-001-02	INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL) Reciprocating

### 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

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specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000092-52-4	1, 1 BIPHENYL (HAP)	> 0	but < 10 tpy
000107-06-2	1, 2-DICHLOROETHANE (HAP)	> 0	but < 10 tpy
000098-86-2	1-PHENYLETHANONE (HAP)	> 0	but < 10 tpy
051207-31-9	2, 3, 7, 8-TETRACHLORODIBENZOFURAN (HAP)	> 0	but < 10 tpy
001746-01-6	2, 3, 7, 8-TETRACHLORODIBENZO-P-DIOXIN (HAP)	> 0	but < 10 tpy
000121-14-2	2, 4, DINITRO TOLUENE (HAP)	> 0	but < 10 tpy
000078-59-1	2-CYCLOHEXEN-1-ONE, 3, 5, 5-TRIMETHYL (HAP)	> 0	but < 10 tpy
000075-07-0	ACETALDEHYDE (HAP)	> 0	but < 10 tpy
000108-05-4	ACETIC ACID ETHENYL ESTER (HAP)	> 0	but < 10 tpy
000107-02-8	ACROLEIN (HAP)	> 0	but < 10 tpy
000532-27-4	ALPHA-CHLOROACETOPHENONE (HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
000098-82-8	BENZENE, (1-METHYLETHYL) (HAP)	> 0	but < 10 tpy
000098-88-4	BENZOYL CHLORIDE	> 0	but < 2.5 tpy
007440-41-7	BERYLLIUM (HAP)	> 0	but < 10 tpy
000117-81-7	BIS (2-ETHYLHEXYL) PHTHALATE (HAP)	> 0	but < 10 tpy
000075-25-2	BROMOFORM (HAP)	> 0	but < 10 tpy
007440-43-9	CADMIUM (HAP)	> 0	but < 10 tpy
000075-15-0	CARBON DISULFIDE (HAP)	> 0	but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 250	tpy
007782-50-5	CHLORINE (HAP)	> 0	but < 10 tpy
000108-90-7	CHLOROBENZENE (HAP)	> 0	but < 10 tpy
000067-66-3	CHLOROFORM (HAP)	> 0	but < 10 tpy
007440-47-3	CHROMIUM (HAP)	> 0	but < 10 tpy
000057-12-5	CYANIDE (HAP)	> 0	but < 10 tpy
000075-09-2	DICHLOROMETHANE (HAP)	> 0	but < 10 tpy
000079-00-5	ETHANE, 1, 1, 2-TRICHLORO (HAP)	> 0	but < 10 tpy
000106-93-4	ETHANE, 1, 2-DIBROMO (HAP)	> 0	but < 10 tpy
000075-00-3	ETHANE, CHLORO (HAP)	> 0	but < 10 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0	but < 10 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0	but < 10 tpy
0NY100-00-0	HAP	>= 25	tpy but < 40 tpy
000110-54-3	HEXANE (HAP)	> 0	but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)	>= 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
000080-62-6	METHYL ACRYLIC ACIDMETHYL ESTER (HAP)	> 0	but < 10 tpy
000074-83-9	METHYL BROMIDE (HAP)	> 0	but < 10 tpy
000074-87-3	METHYL CHLORIDE (HAP)	> 0	but < 10 tpy
000078-93-3	METHYL ETHYL KETONE (HAP)	> 0	but < 10 tpy
000060-34-4	METHYL HYDRAZINE (HAP)	> 0	but < 10 tpy
001634-04-4	METHYL TERTBUTYL ETHER (HAP)	> 0	but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	> 0	but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 250	tpy
0NY075-00-0	PARTICULATES	>= 50	tpy but < 100 tpy
000127-18-4	PERCHLOROETHYLENE (HAP)	> 0	but < 10 tpy
000108-95-2	PHENOL (HAP)	> 0	but < 10 tpy
0NY075-00-5	PM-10	>= 100	tpy but < 250 tpy

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000123-38-6	PROPIONALDEHYDE (HAP)	> 0 but < 10 tpy
000115-07-1	PROPYLENE	> 0 but < 2.5 tpy
007782-49-2	SELENIUM (HAP)	> 0 but < 10 tpy
000100-42-5	STYRENE (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250 tpy
000077-78-1	SULFURIC ACID, DIMETHYL ESTER (HAP)	> 0 but < 10 tpy
000108-88-3	TOLUENE (HAP)	> 0 but < 10 tpy
0NY998-00-0	VOC	>= 10 tpy but < 25 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 0 but < 10 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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616 - Public Access to records and Section 114(c) of the Act.

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

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

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

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

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

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

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

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

**Item G:            Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR Part 201-6.5(a)(5)**

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

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

This permit does not convey any property rights of any sort or any

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exclusive privilege.

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

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

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

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

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

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

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

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following circumstances:

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

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

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

**Item L:**

**Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action

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authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

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

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

The owner or operator of the permitted facility must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility regulated by this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations or law.

**Regulatory Analysis**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>	<b>Condition</b>
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**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 200-.6

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

6NYCRR Part 200-.7

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

6NYCRR Part 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results

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from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6NYCRR Part 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6NYCRR Part 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6NYCRR Part 201-3.2(a)

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

6NYCRR Part 201-3.3(a)

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

6NYCRR Part 201-6

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

6NYCRR 201-6.5(a)(4)

This mandatory requirement applies to all Title V facilities. It requires the

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

#### 6NYCRR 201-6.5(a)(7)

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

#### 6NYCRR 201-6.5(a)(8)

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

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

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

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

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

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

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

#### 6NYCRR 201-6.5(d)(5)

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

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

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

#### 6NYCRR 201-6.5(f)(6)

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

#### 6NYCRR Part 202-1.1

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

#### 6NYCRR Part 202-2.1

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

#### 6NYCRR Part 202-2.5

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

#### 6NYCRR Part 211-.2

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

#### 6 NYCRR Part 211.3

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

#### 6 NYCRR Part 215

Prohibits open fires at industrial and commercial sites.

#### 40 CFR Part 68.

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

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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, BLACK RIVER GENERATION LLC has been determined to be subject to the following regulations:

40CFR 52-A.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration provisions; ie: facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i) .

40CFR 52-A.21 (j) (2)

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

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40CFR 60-A.11 (d)

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

40CFR 60-A.12

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

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.4

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This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40CFR 60-A.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required.

40CFR 60-A.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

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 (d)

This condition specifies the required information and format for a summary report form and details when either a summary form and/or excess emissions reports are required.

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.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-Db

Black River Generation has three boilers which meet the size and requirements of 40 CFR 60 Subpart Db. Therefore these boilers are subject to these regulations.

40CFR 60-Db.42b (a)

This condition caps SO<sub>2</sub> emissions from the coal boilers, requiring a 90% reduction. This facility is subject to 40 CFR 60, subpart Db.

40CFR 60-Db.42b (d)

Facilities which have an annual capacity factor of 30% or less of coal and oil are subject to federally enforceable conditions limiting them to 30% or less.

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40CFR 60-Db.49b

This rule specifies the reporting and recordkeeping requirements for affected steam generating units.

40CFR 60-Y.252 (c)

Black River Generation maintains coal crushing operations which fall under the requirements of this section. This section requires the facility to monitor coal pile opacity.

40CFR 63-DDDDD.7500 (a) (1)

This condition requires the facility to test for particulates once during the permit term for the boiler MACT. This condition does not become applicable until 9/13/07.

40CFR 63-DDDDD.7500 (a) (2)

This condition requires the facility to monitor the limestone injection rate to control HAP emissions for the boiler MACT. This condition does not become applicable until 9/13/2007.

40CFR 63-DDDDD.7505 (e)

This condition requires the facility to implement a startup, shutdown, and malfunction plan for the boiler MACT. This condition becomes applicable on 9/13/07.

40CFR 63-DDDDD.7510 (a)

This condition sets the initial compliance requirements for facilities that use performance testing. This condition becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7510 (c)

This large boiler MACT condition requires the facility to conduct a performance evaluation of the carbon monoxide CEM system. This condition becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7510 (d)

This condition requires the facility to demonstrate initial compliance with the boiler MACT no less than 180 days after 9/13/2007.

40CFR 63-DDDDD.7515

This conduct provides a way for the facility to conduct less than annual testing for the boiler MACT. This condition becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7520

This condition specifies the conditions under which the performance tests are conducted. This condition becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7525 (h)

This condition specifies the recordkeeping requirements for monitoring of the sorbent injection rate (in this case limestone is the sorbent). This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7525 (i)

This condition specifies the requirements for having a baghouse leak detection system. This condition

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becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7530 (a)

This condition specifies the initial compliance options with the MACT emission limit and work standard practices. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7540 (a)

This condition limits operation in accordance with stack test established limits. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7540 (b)

This condition requires the subject facility to report instances where they failed to meet either emission limits or work practice standards. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7540 (c)

This condition requires the facility to operate in accordance with their startup, shutdown, and malfunction plan. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7540 (d)

Deviations that occur during the startup, shutdown, or malfunctions are violations if the facility operated within their startup, shutdown, or malfunction plan. This condition becomes applicable on 9/13/2007.

40CFR 63-DDDDD.7545 (d)

Facilities performing stack testing must notify the department 30 days prior to testing. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7545 (e)

The facility must complete a Notification of Compliance Status if an initial compliance determination is required. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7550 (a)

This condition specifies the reporting requirements if the facility fails to follow the startup, shutdown, and malfunction plan and has an emission excursion. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7555 (a)

This specifies the records that the facility must keep to comply with the MACT. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7555 (b)

This condition specifies the records required if the facility has a CEM, COM, or CPM. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7555 (c)

This condition specifies the records necessary for compliance with Table 8 of Subpart DDDDD. This condition is not applicable until 9/13/2007.

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40CFR 63-DDDDD.7555 (d)

This condition specifies records the facility must maintain if the facility is subject to an emission limit. This condition is applicable on 9/13/2007.

40CFR 63-DDDDD.7560

This condition specifies that the facility must maintain MACT records for 5 years. This condition is applicable on 9/13/2007.

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 82

The purpose of this regulation is to implement standards on the protection of stratospheric ozone through the control of chloroflourocarbons (CFCs).

6NYCRR 201-6.1 (a) (1)

This section requires that major facilities obtain a Title V permit. A major stationary source or major source is defined under Part 201-2.1(b)(21) as follows:

**Any stationary source, or any group of stationary sources that are located on one or more contiguous or adjacent properties and are under common control, belonging to a single major industrial grouping and that are described in paragraphs (i), (ii), or (iii) of this definition. For the purposes of defining "major stationary source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same Major Group (i.e., all have the same two digit code), as described in the Standard Industrial Classification Manual, 1987. Stand alone or common wall residential housing units including compatible commercial activities, which are not regulated by other applicable requirements, where the potential to emit for individual associated combustion sources is below major source applicability thresholds (notwithstanding that the sum of these individual combustion sources could exceed major source applicability thresholds) shall not be considered a major source.**

**(i) For hazardous air pollutants other than radionuclides, a major source is defined as any stationary emission units or group of stationary emission units located within a contiguous area, under common control, that emits or has the potential to emit, in the aggregate, 10 tons per year (tpy) or more of any hazardous air pollutant as defined in Part 200 of this Title (including any fugitive emissions of such pollutant), 25 tpy or more of any combination of such hazardous air pollutants (including any fugitive emissions of**

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such pollutants), or such lesser quantity as the Administrator may establish by rule. For radionuclides, major source shall also have the meaning specified by the Administrator by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or oil and gas production well (with its associated equipment) and the emissions from any pipeline compressor station or pump station shall not be aggregated with emissions from other units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are "major facilities".

(ii) A major stationary source of air pollutants, as defined in Section 302 of the Act, that directly emits or has the potential to emit, 100 tpy or more of any air pollutant regulated under the Act (including any "major source" of fugitive emissions of any such pollutant). With the exception of emissions of hazardous air pollutants, the fugitive emissions shall not be considered in determining whether it is a major stationary source unless the facility belongs to one of the following categories:

- (A) Coal Cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (I) Hydrofluoric, sulfuric, or nitric acid plants;
- (J) Petroleum refineries;
- (K) Lime plants;
- (L) Phosphate rock processing plants;
- (M) Coke oven batteries;
- (N) Sulfur recovery plants;
- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British Thermal Units per hour heat input;
- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil-fuel-fired steam electric plants of more than 250 million British Thermal Units per hour heat input; or
- (AA) All other source categories regulated by a standard under Sections

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111, for which EPA has completed a rulemaking proceeding under 302(j) of the Act or 112 of the Act , but only with respect to those air pollutants that have been regulated for that category as of the effective date of this Part; and  
**(BB) Municipal solid waste landfills.**

**(iii) Fugitive emissions shall not be considered in determining whether the facility is a major stationary source in a nonattainment area or ozone transport region unless the facility belongs to one of the categories listed in subparagraph (ii). A major stationary source is defined in a nonattainment area and ozone transport region as follows:**

**(A) For ozone nonattainment areas, stationary sources with the potential to emit 100 tpy or more of oxides of nitrogen (NO<sub>x</sub>) or 50 tons per year or more of volatile organic compounds (VOC), in areas classified as "marginal" or "moderate," 25 tpy or more of NO<sub>x</sub> or VOCs in areas classified as "severe."**

**(B) In ozone transport regions, stationary sources with the potential to emit 50 tpy or more of volatile organic compounds or 100 tpy of NO<sub>x</sub>.**

**(C) For carbon monoxide nonattainment areas (1) that are classified as "moderate", and (2) in which stationary sources contribute significantly to carbon monoxide levels, those stationary sources with the potential to emit 50 tpy or more of carbon monoxide.**

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

6NYCRR 201-6.1 (b) (3)

This condition requires the facility to post a copy of the permit conditions in the control room.

6NYCRR 201-6.5 (a) (4)

This is a mandatory condition that requires the owner or operator of the facility to furnish information, requested by the Department, to determine compliance with this permit.

6NYCRR 201-6.5 (a) (7)

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

6NYCRR 201-6.5 (a) (8)

This is a mandatory condition that allows the Department to inspect the facility to determine compliance with this permit.

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

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probable cause of such deviations, and any corrective actions or preventive measures taken.

6NYCRR 201-6.5 (d) (5)

This condition requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6NYCRR 201-6.5 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change.

6NYCRR 201-7.1

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

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 204-8.7

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

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utilitized.

6NYCRR 225-1

This regulation is used to set facility specific restrictions on the amount of sulfur in the fuel being burned at the facility.

6NYCRR 227 .2 (b) (1)

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

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 227-1.3 (c)

This condition requires the facility to perform annual stack testing for PM emissions.

6NYCRR 227-2.1

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

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 (c)

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

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

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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.

**Compliance Certification**

Summary of monitoring activities at BLACK RIVER GENERATION LLC:

<b>Location Facility/EU/EP/Process/ES</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
FACILITY	record keeping/maintenance procedures	37
U-00001	continuous emission monitoring (cem)	50
U-00001	continuous emission monitoring (cem)	51
U-00001	continuous emission monitoring (cem)	52
U-00001	record keeping/maintenance procedures	53
U-00001	continuous emission monitoring (cem)	54
U-00001/-/C08	work practice involving specific operations	107
U-00001/-/C09	record keeping/maintenance procedures	112
U-00001/-/C09	work practice involving specific operations	113
U-00001/00001/C07	work practice involving specific operations	120
U-00001	intermittent emission testing	55
U-00001/00001	continuous emission monitoring (cem)	118
U-00001	record keeping/maintenance procedures	60
U-00005	record keeping/maintenance procedures	125
U-00001	record keeping/maintenance procedures	67
U-00001/00001	monitoring of process or control device parameters as surrogate	119
U-00001	continuous emission monitoring (cem)	68
U-00005	work practice involving specific operations	129
U-00001	intermittent emission testing	70
U-00001	intermittent emission testing	71
U-00001	intermittent emission testing	72
FACILITY	monitoring of process or control device parameters as surrogate	38
FACILITY	monitoring of process or control device parameters as surrogate	39
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FACILITY	monitoring of process or control device	42
	parameters as surrogate	
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	parameters as surrogate	
U-00001	record keeping/maintenance procedures	73
U-00001	monitoring of process or control device	74
	parameters as surrogate	
U-00001	record keeping/maintenance procedures	75
U-00001	monitoring of process or control device	76
	parameters as surrogate	
U-00001/-/C01/E0001	monitoring of process or control device	106
	parameters as surrogate	
U-00001	record keeping/maintenance procedures	81
U-00001	record keeping/maintenance procedures	82
U-00001	record keeping/maintenance procedures	85
U-00001	record keeping/maintenance procedures	86
U-00001	record keeping/maintenance procedures	89
U-00001	record keeping/maintenance procedures	90
U-00001	record keeping/maintenance procedures	91
U-00001	record keeping/maintenance procedures	92
U-00001	record keeping/maintenance procedures	93
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U-00001	record keeping/maintenance procedures	98
U-00001	record keeping/maintenance procedures	99
U-00001	record keeping/maintenance procedures	100
U-00001	record keeping/maintenance procedures	101
U-00001	record keeping/maintenance procedures	102
U-00001	record keeping/maintenance procedures	103
FACILITY	record keeping/maintenance procedures	44
FACILITY	record keeping/maintenance procedures	45
U-00001/00001	record keeping/maintenance procedures	115
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
FACILITY	work practice involving specific operations	24
U-00001/-/C09	record keeping/maintenance procedures	108
U-00001/-/C09	record keeping/maintenance procedures	109
U-00001/-/C09	record keeping/maintenance procedures	110
U-00001/-/C09	work practice involving specific operations	111
FACILITY	record keeping/maintenance procedures	7
FACILITY	record keeping/maintenance procedures	26
FACILITY	record keeping/maintenance procedures	32
FACILITY	record keeping/maintenance procedures	33
FACILITY	work practice involving specific operations	34
FACILITY	intermittent emission testing	36
U-00001/00001	monitoring of process or control device	116
	parameters as surrogate	
U-00001/00001	intermittent emission testing	117
FACILITY	record keeping/maintenance procedures	134
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Basis for Monitoring

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Condition 5 - This condition requires the applicant to submit a semi-annual report.

Condition 6 - This condition requires the applicant to submit an annual certification report.

Condition 7 - This condition requires the applicant to submit an emission statement which discloses the amount of each pollutant emitted from the facility. This information is used to develop the fee billing for the facility's Title V permit.

Condition 24 - This condition requires the applicant to limit operation of each generator to 500 hours per year.

Condition 26 - This condition requires the NOx Budget applicant to submit an annual certification report to certify compliance with the NOx Budget program.

Condition 33 - This condition requires the subject facility using NOx concentration monitoring system to record heat input and stack flow.

Condition 32 - This condition requires the subject source to submit all monitoring plan and monitoring equipment changes for approval.

Condition 34, Federal Requirement 6 NYCRR Part 225-1 - This condition limits the fuel oil sulfur to 0.2% by weight which in turn limits sulfur dioxide emissions.

Condition 36 - The facility is subject to 0.10 lb/mmbtu particulate limit.

Condition 37, Federal Requirement 40 CFR 52.21 - The facility must have a summary of the emission limitations in the control room for the operator's use.

Condition 38 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

Condition 39 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

Condition 40 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

Condition 41 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

Condition 42 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

Condition 43 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

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Condition 44 - This condition requires the facility to submit a Compliance Assurance Monitoring (CAM) plan.

Condition 45 - This condition specifies the milestone dates for design, installation, and operation of the CAM.

Condition 50, Federal Requirement 6 NYCRR Part 227-2.4(b)(1) - The facility shall fire clean, unadulterated wood only.

Condition 51, Federal Requirement 40 CFR 52.21 - This is the PSD limit for sulfur dioxide emissions.

Condition 52, Federal Requirement 40 CFR 52.21 - This is the PSD limit for carbon monoxide emissions.

Condition 53, Federal Requirement 40 CFR 52.21 - This is the PSD concentration limit for NOx emissions.

Condition 54, Federal Requirement 40 CFR 52.21 - This is the PSD mass emission limit for NOx emissions.

Condition 55, Federal Requirement 40 CFR 52.21 - This is the PSD limit for PM and PM-10 emissions.

Condition 68, Federal Requirement 40 CFR 60.42b(d) - The NSPS limit for sulfur dioxide is 1.2 lb/mmbtu on a 1 hour average.

Condition 70 - This condition sets the MACT emission limit for HCl of 0.09 lb/mmbtu.

Condition 71 - This condition sets the MACT emission limit for mercury of 0.000009 lb/mmbtu.

Condition 72 - This condition sets the MACT emission limit for PM of 0.07 lb/mmbtu.

Condition 73 - This condition requires the facility install and operate a baghouse leak detection system.

Condition 74 - For MACT compliance, this condition limits the opacity 20 % based on a six minute average.

Condition 75 - This condition requires the facility install and operate a baghouse leak detection system.

Condition 76 - For MACT compliance, this condition limits the opacity 20 % based on a six minute average.

Condition 81 - This condition requires the facility to perform annual testing for PM, Hg, and HCl.

Condition 82 - This condition requires the facility to submit the required PM, Hg, and HCl test results within 60 days.

Condition 86 - This condition specifies the requirements for sorbent injection rate weigh measurement.

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Condition 87 - This condition specifies the requirements for the baghouse leak detection system.

Condition 90 - This condition limits baghouse leak detection system alarms to 5% of the time.

Condition 91 - This condition requires the facility measure and record all fuels burned in the subject boiler.

Condition 92 - The facility must calculate to chlorine input if the facility plans to use a new fuel or mixture of fuels.

Condition 93 - The facility must calculate to mercury input if the facility plans to use a new fuel or mixture of fuels.

Condition 94 - The facility must report each instance in which the facility did not meet each emission limit, operating limit, and work practice standard in Tables 1-4 of subpart DDDDD.

Condition 95 - The facility must startup, shutdown, and operate during malfunctions in accordance with Startup, Shutdown, and Malfunction Plan (SSMP).

Condition 96 - The facility must retain records of startups, shutdowns, and malfunctions demonstrating that the facility operated in accordance with their SSMP.

Condition 97 - The facility must provide the state with 30 days notice of their intent to do a stack test.

Condition 98 - The facility, if required to do performance testing, must a Notice of Compliance Status (NoCS).

Condition 99 - This condition specifies the records to submit the facility experience an emission exceedance while not operating within the SSMP.

Condition 100 - This condition requires the MACT subject facility to submit semi-annual reports.

Condition 101 - This condition requires the facility to maintain records of all reports and notifications required by the MACT.

Condition 102 - This condition specifies the required records for the MACT if the facility has a CEMs, CPMs, or COMs.

Condition 103 - The facility must maintain records of items as displayed in Table 8 of Subpart DDDDD.

Condition 104 - This condition specifies the records that must be maintained for MACT compliance.

Condition 107 - The subject facility must have a minimum amount of limestone injected into the coal boiler to control HAP emissions.

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 6-2240-00009/00007    Renewal Number: 1**

**02/27/2007**



Condition 108 - This condition limits Tire Derived Fuel to 30% by weight of the boiler fuel feed.

Condition 109 - This specifies a minimum heat content if the facility combusts coal tar contaminated soils (CTS).

Condition 110 - This condition specifies that CTS fired must be non-hazardous as defined in Part 371.1(d).

Condition 111 - The facility must perform a compound specific analysis prior to firing any CTS.

Condition 112 - The facility must perform an Air Guide 1 analysis to determine if any compounds identified in condition 111 would have a significant impact.

Condition 113 - The facility is limited to CTS from New York facilities.

Condition 114 - CTS firing is limited to 30% by weight of the total fuel feed.

Condition 115 - A summary of the emission limits and operating restrictions from this permit must in the control room.

Condition 116 - Stack opacity is limited to 20%.

Condition 117 - This condition requires annual stack testing for PM emissions.

Condition 118 - This condition limits carbon monoxide to 0.25 lb/mmbtu.

Condition 119 - When firing bituminous and anthracite coal, the facility must achieve a 90% reduction in sulfur dioxide emissions.

Condition 120 - This condition limits paper fluff firing to 30% by weight of the total fuel feed.

Condition 125 - This condition requires the facility to submit a semi-annual excess emission report.

Condition 129 - This condition limits opacity from the coal pile, fuel processing and conveyence equipment.