



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

**Permit ID: 6-2240-00009/00007**

**Renewal Number: 2**

**Modification Number: 2 11/01/2013**

**Facility Identification Data**

Name: REENERGY BLACK RIVER LLC

Address: EUPHRATES RIVER VALLEY RD & ONEIDA AVE  
FORT DRUM, NY 13602

**Owner/Firm**

Name: REENERGY BLACK RIVER LLC

Address: PO BOX 849

FORT DRUM, NY 13602-0849, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

Division of Environmental Permits:

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317 WASHINGTON ST

WATERTOWN, NY 13601-3787

Phone:

Division of Air Resources:

Name: MATTHEW J POLGE

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Air Permitting Contact:

Name: ANTHONY MARCINIAK

Address: REENERGY BLACK RIVER LLC

PO BOX 849

FORT DRUM, NY 13602-0849

Phone:5184973263

**Permit Description**

**Introduction**

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

**Summary Description of Proposed Project**

The project is an administrative amendment to correct the nitrogen oxide lb/hr and lb/mmbtu emission limits. Further, this project also updates any regulation changes.



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**Attainment Status**

REENERGY BLACK RIVER 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.)

Criteria Pollutant	Attainment Status
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 includes 3 circulating fluidized bed boilers. The proposed modification will increase rated capacity of each boiler to 266 MMbtu/hr (284 mmbtu/hr max. 1 hr). The boilers exhaust through a single common stack after control devices. Other emission units not affected by the modification include 3 auxiliary diesel generators, outdoor fuel storage piles, fuel storage tanks and several exempt or trivial activities.

**Permit Structure and Description of Operations**

The Title V permit for REENERGY BLACK RIVER LLC 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



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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.

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

Emission unit U00001 - Emission Unit U00001 represents the common exhaust point for 3 circulating fluidized bed boilers. The proposed modified heat input is 266 mmbtu/hr when all 3 boilers are operating and 284 mmbtu/hr when any 1 or 2 boilers are operating or 1 or 2 operating at reduced load when all 3 boilers are operating. The proposed fuels to be combusted are clean wood, unadulterated wood from C+D debris, glued wood creosote treated wood, tire derived fuel and non-recyclable fibrous material (waste paper). These steam boilers are designated as sources E0001, E0002, and E0003.

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

Process: C01 is located at 1, Building BUILDING A - This process is for combustion of wood fired alone or in combination with other fuels in one or more boilers. The process ID has been renumbered from the existing ID (C04) in the current permit to C01.

Process: C02 is located at 1, Building BUILDING A - This process is for combustion of unadulterated wood separated from C&D debris, as approved by a BUD, fired alone or in combination with other fuels in one or more boilers. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD.

Process: C03 is located at 1, Building BUILDING A - This process is for the combustion of fuel oil fired alone or in combination with other fuels in one or more boilers.

Process: C04 is located at 1, Building BUILDING A - This process is for the co-firing of an alternative fuel, tire derived fuel (TDF), fired in combination with other fuels in one or more boilers and limited to 30 weight percent or less of the total fuel feed. This process has been re-numbered from C08.

Process: C05 is located at 1, Building BUILDING A - This process is for the co-firing of an alternative fuel, creosote treated wood (CTW), fired in combination with other fuels in one or more boilers and limited to 30 weight percent or less of the total fuel feed. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD.

Process: C06 is located at 1, Building BUILDING A - This process is for the co-firing of an alternative fuel, glued wood (particle board and plywood), fired in combination with other fuels in one or more boilers and limited to 30% or less of the total fuel feed. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD.

Emission unit U00005 -



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

Process: S01 This process includes associated machinery require to process, transport, and convey solid fuel from receiving to stockpile to boiler fuel supply which includes unloading, stack-out, and reclaim conveyors.

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

Process: D01 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.

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

Process: D03 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.

Emission unit U00003 - This emission unit represents the operation of a diesel 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

Process: D02 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.

**Title V/Major Source Status**

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

The facility is major for NOx, CO, PM, PM10, CO2, HCl, Benzene, and HAPs.

**Program Applicability**

The following chart summarizes the applicability of REENERGY BLACK RIVER 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 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



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such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

**RACT** Reasonably Available Control Technology (6 NYCRR Parts 212.10, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

**SIP** State Implementation Plan (40 CFR 52, Subpart HH) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

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

**SIC Code**

**Description**

4911	ELECTRIC SERVICES
4931	ELEC & OTHER SERVICES COMBINED
4961	STEAM SUPPLY

**SCC Codes**

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

**SCC Code**

**Description**

1-01-005-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-01-009-03	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - WOOD/BARK WASTE Wood-Fired Boiler
1-01-012-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - SOLID WASTE Specify Waste Material in Comments

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

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000092-52-4	1, 1 BIPHENYL	> 0	but < 10 tpy
000107-06-2	1,2-DICHLOROETHANE	> 0	but < 10 tpy
000098-86-2	1-PHENYLETHANONE	> 0	but < 10 tpy
051207-31-9	2,3,7,8-TETRACHLORODIBENZOFURAN	> 0	but < 10 tpy
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN	> 0	but < 10 tpy
000121-14-2	2,4, DINITRO TOLUENE	> 0	but < 10 tpy
000078-59-1	2-CYCLOHEXEN-1-ONE, 3, 5, 5-TRIMETHYL	> 0	but < 10 tpy
000075-07-0	ACETALDEHYDE	> 0	but < 10 tpy
000108-05-4	ACETIC ACID ETHENYL ESTER	> 0	but < 10 tpy
000107-02-8	ACROLEIN	> 0	but < 10 tpy
000532-27-4	ALPHA-CHLOROACETOPHENONE	> 0	but < 10 tpy
007440-38-2	ARSENIC	> 0	but < 10 tpy
000071-43-2	BENZENE	> 0	but < 10 tpy
000098-82-8	BENZENE, (1-METHYLETHYL)	> 0	but < 10 tpy
000098-88-4	BENZOYL CHLORIDE	> 0	but < 2.5 tpy
007440-41-7	BERYLLIUM	> 0	but < 10 tpy
000117-81-7	BIS(2-ETHYLHEXYL) PHTHALATE	> 0	but < 10 tpy
000075-25-2	BROMOFORM	> 0	but < 10 tpy
007440-43-9	CADMIUM	> 0	but < 10 tpy
000124-38-9	CARBON DIOXIDE	>= 100,000	tpy
0NY750-00-0	CARBON DIOXIDE	1317902000	



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	EQUIVALENTS	
000075-15-0	CARBON DISULFIDE	> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE	>= 250 tpy but < 75,000 tpy
007782-50-5	CHLORINE	> 0 but < 10 tpy
000108-90-7	CHLOROBENZENE	> 0 but < 10 tpy
000067-66-3	CHLOROFORM	> 0 but < 10 tpy
007440-47-3	CHROMIUM	> 0 but < 10 tpy
000057-12-5	CYANIDE	> 0 but < 10 tpy
000075-09-2	DICHLOROMETHANE	> 0 but < 10 tpy
000079-00-5	ETHANE, 1,1,2-TRICHLORO	> 0 but < 10 tpy
000106-93-4	ETHANE, 1,2-DIBROMO	> 0 but < 10 tpy
000075-00-3	ETHANE, CHLORO	> 0 but < 10 tpy
000100-41-4	ETHYLBENZENE	> 0 but < 10 tpy
000050-00-0	FORMALDEHYDE	> 0 but < 10 tpy
000110-54-3	HEXANE	> 0 but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE	>= 10 tpy
007439-92-1	LEAD	> 0 but < 10 tpy
007439-96-5	MANGANESE	> 0 but < 10 tpy
007439-97-6	MERCURY	> 0 but < 10 tpy
000080-62-6	METHYL ACRYLIC ACIDMETHYL ESTER	> 0 but < 10 tpy
000074-83-9	METHYL BROMIDE	> 0 but < 10 tpy
000074-87-3	METHYL CHLORIDE	> 0 but < 10 tpy
000078-93-3	METHYL ETHYL KETONE	> 0 but < 10 tpy
000060-34-4	METHYL HYDRAZINE	> 0 but < 10 tpy
001634-04-4	METHYL TERTBUTYL ETHER	> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES	>= 50 tpy but < 100 tpy
000127-18-4	PERCHLOROETHYLENE	> 0 but < 10 tpy
000108-95-2	PHENOL	> 0 but < 10 tpy
0NY075-00-5	PM-10	>= 100 tpy but < 250 tpy
000123-38-6	PROPIONALDEHYDE	> 0 but < 10 tpy
000115-07-1	PROPYLENE	> 0 but < 2.5 tpy
007782-49-2	SELENIUM	> 0 but < 10 tpy
000100-42-5	STYRENE	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250 tpy but < 75,000 tpy
000077-78-1	SULFURIC ACID, DIMETHYL ESTER	> 0 but < 10 tpy
000108-88-3	TOLUENE	> 0 but < 10 tpy
0NY100-00-0	TOTAL HAP	>= 25 tpy but < 40 tpy
0NY998-00-0	VOC	>= 10 tpy but < 25 tpy
001330-20-7	XYLENE, M, O & P MIXT.	> 0 but < 10 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

An emergency, as defined by subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the



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Department 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 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 and maintained;
  - (3) During the period of the emergency the facility owner 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 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 or operator seeking to establish the occurrence of an emergency has the burden of proof.
- (c) This provision is in addition to any emergency or upset provision contained in any applicable requirement.

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

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

**Item C: Timely Application for the Renewal of Title V Permits -6 NYCRR Part 201-6.2(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 201-6.2(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 201-6.4(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



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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 201-6.4(a)(3)**

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

**Item G: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4(a)(5)**

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

**Item H: Property Rights - 6 NYCRR 201-6.4(a)(6)**

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

**Item I: Severability - 6 NYCRR Part 201-6.4(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 201-6.4(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



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from the permittee concerning the ability to enter, inspect and monitor the facility.

**Item K: Reopening for Cause - 6 NYCRR Part 201-6.4(i)**

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

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

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

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

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

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

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

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

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

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

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

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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**

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
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FACILITY	ECL 19-0301	102	Powers and Duties of the Department with respect to air pollution control
FACILITY	40CFR 52-A.21	51	Prevention of Significant Deterioration
U-00001	40CFR 52-A.21	58, 59, 60, 61, 62, 63, 65, 66, 2 -2	Prevention of Significant Deterioration
U-00001	40CFR 52-A.21 (j) (2)	67	Best Available Control Technology (BACT) (see narrative)
U-00001/00001	40CFR 52-A.21 (j) (2)	82, 83, 84	Best Available Control Technology (BACT) (see narrative)
U-00001	40CFR 60-A	68	General provisions
U-00005	40CFR 60-A	94	General provisions
U-00001	40CFR 60-A.11 (d)	76	General provisions - compliance with standards and maintenance requirements
U-00005	40CFR 60-A.11 (d)	101	General provisions - compliance with standards and maintenance

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U-00001	40CFR 60-A.12	77	requirements
U-00001	40CFR 60-A.13	78	General provisions - Circumvention
U-00001	40CFR 60-A.4	69	General provisions - Monitoring
U-00005	40CFR 60-A.4	95	requirements
U-00001	40CFR 60-A.7(a)	70	General provisions - Address
U-00005	40CFR 60-A.7(a)	96	General provisions - Address
U-00001	40CFR 60-A.7(b)	71	Notification and Recordkeeping
U-00005	40CFR 60-A.7(b)	97	Notification and Recordkeeping
U-00001	40CFR 60-A.7(c)	72	Notification and Recordkeeping
U-00005	40CFR 60-A.7(c)	98	Notification and Recordkeeping
U-00001	40CFR 60-A.7(d)	73	Notification and Recordkeeping
U-00005	40CFR 60-A.7(d)	99	Notification and Recordkeeping
U-00001	40CFR 60-A.7(f)	74	Notification and Recordkeeping
U-00005	40CFR 60-A.7(f)	100	Notification and Recordkeeping
U-00001	40CFR 60-A.9	75	General provisions - Availability of information
U-00001	40CFR 60-Db	79	Steam generators over 100 million Btu per hour
U-00001	40CFR 60-Db.49b	80	Reporting and Recordkeeping Requirements.
FACILITY	40CFR 63-ZZZZ	52	Reciprocating Internal Combustion Engine (RICE) NESHAP
U-00002	40CFR 63- ZZZZ.6590(a) (1	85	Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability - Existing RICE
U-00002	40CFR 63-ZZZZ.6645(a)	86	Reciprocating Internal Combustion Engine (RICE) NESHAP - NESHAP General Provision
U-00002	40CFR 63-ZZZZ.6645(g)	87	notifications Reciprocating Internal Combustion Engine (RICE) NESHAP - notification of intent to conduct performance test
U-00002	40CFR 63-ZZZZ.6650(b)	88	Reciprocating Internal Combustion Engine (RICE) NESHAP - reporting schedule
U-00002	40CFR 63-ZZZZ.6650(c)	89	Reciprocating

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U-00002	40CFR 63-ZZZZ.6650 (d)	90	Internal Combustion Engine (RICE) NESHAP - contents of compliance reports
U-00002	40CFR 63-ZZZZ.6650 (e)	91	Reciprocating Internal Combustion Engine (RICE) NESHAP - deviation reports
FACILITY	40CFR 63-ZZZZ.6650 (f)	53	Reciprocating Internal Combustion Engine (RICE) NESHAP - Title V and NESHAP reporting
U-00002	40CFR 63-ZZZZ.6655 (a)	92	Reciprocating Internal Combustion Engine (RICE) NESHAP - records that must be kept
U-00002	40CFR 63-ZZZZ.6660	93	Reciprocating Internal Combustion Engine (RICE) NESHAP - record retention
FACILITY	40CFR 64	54	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	11	Chemical accident prevention provisions
FACILITY	40CFR 82-F	12	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	5	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	103, 104	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	6	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	7	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	8	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	9	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	13, 55, 56	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.1 (a) (1)	24	Requirement for a Title V facility permit - Major Facility
FACILITY	6NYCRR 201-6.4 (a) (4)	14	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4 (a) (7)	15	General Conditions -



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FACILITY	6NYCRR 201-6.4 (a) (8)	16, 17	Fees
FACILITY	6NYCRR 201-6.4 (c)	18	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4 (c) (2)	19	Recordkeeping and Reporting of Compliance Monitoring Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201- 6.4 (c) (3) (ii)	20	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4 (d) (4)	21	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4 (e)	22	Compliance Certification
FACILITY	6NYCRR 201-6.4 (f) (6)	23	Off Permit Changes
FACILITY	6NYCRR 201-7	24, 57	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 202-1.1	10	Required emissions tests.
FACILITY	6NYCRR 202-2.1	2	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	3	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.1	25	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 215.2	4	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1	2 -1	Fuel Composition and Use - Sulfur Limitations
FACILITY	6NYCRR 225-1	26	FUEL COMPOSITION AND USE - SULFUR LIMITATIONS
FACILITY	6NYCRR 227.2 (b) (1)	28	Particulate emissions.
U-00001/00001	6NYCRR 227-1.3 (a)	81	Smoke Emission Limitations.
FACILITY	6NYCRR 227-2.1	27	Applicability.
FACILITY	6NYCRR 231-8	29	Mods to Existing Major Facilities in Attainment Areas (PSD)
FACILITY	6NYCRR 242-1.5	105, 106	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-4	107	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 242-8	108	CO2 Budget Trading Program - Monitoring and reporting
FACILITY	6NYCRR 242-8.5	109	CO2 Budget Trading Program - Reporting and recordkeeping
FACILITY	6NYCRR 243-1	30	CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (a)	31	General Provisions Permit Requirements - CAIR NOx Ozone Season

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FACILITY	6NYCRR 243-1.6 (b)	32	Trading Program Monitoring Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (c)	33	NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (d)	34	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (e)	35	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2	36	CAIR Designated Representative for CAIR NOx Ozone Season Sources
FACILITY	6NYCRR 243-2.1	37	Authorization and responsibilities - CAIR Designated Representative
FACILITY	6NYCRR 243-2.4	38	Certificate of representation - CAIR Designated Representative
FACILITY	6NYCRR 243-8	39	Monitoring and reporting - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-8.1	40, 41	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	42	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (d)	43	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (e)	44	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	45	CAIR NOx Ozone Annual Trading Program General Provisions
FACILITY	6NYCRR 244-2	46	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	47	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	48	CAIR SO2 Trading Program General Provisions



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FACILITY	6NYCRR 245-2	49	CAIR Designated Representative for CAIR SO2 Sources Monitoring and Reporting for CAIR SO2 Trading Program
FACILITY	6NYCRR 245-8	50	

**Applicability Discussion:**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-6



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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.

6 NYCRR 201-6.4 (a) (4)

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

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

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

6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (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.



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6 NYCRR 201-6.4 (e)

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

6 NYCRR 201-6.4 (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.

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

40 CFR Part 68

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

**Facility Specific Requirements**

In addition to Title V, REENERGY BLACK RIVER LLC has been determined to be subject to the following regulations:

40 CFR 52.21

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



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40 CFR 52.21(b)(23)(i) .

40 CFR 52.21 (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.

40 CFR 60.11 (d)

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

40 CFR 60.12

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

40 CFR 60.13

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

40 CFR 60.4

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

40 CFR 60.49b

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

40 CFR 60.7 (a)

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

40 CFR 60.7 (b)

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

40 CFR 60.7 (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



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monitoring systems.

40 CFR 60.7 (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.

40 CFR 60.7 (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.

40 CFR 60.9

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.

40 CFR 63.6590 (a) (1)

This condition defines which reciprocating internal combustion engines (RICE) will be treated as an existing affected source. If the engine started up before December 19, 2002 then it will be considered an existing source for the purposes of this NESHAP rule.

40 CFR 63.6645 (a)

This condition lists all of the notifications that are listed in Subpart A (General Provisions) that need to be submitted by the facility.

40 CFR 63.6645 (g)

This condition specifies that a facility must submit a notification of intent to conduct a performance test at least 60 days before the scheduled test.

40 CFR 63.6650 (b)

This regulation sets forth the reporting requirements for the owner or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

40 CFR 63.6650 (c)

This condition lists what the facility needs to submit with the semiannual compliance report



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required in this rule.

40 CFR 63.6650 (d)

This condition lists what the facility needs to submit when a deviation occurs with respect to requirements in this rule.

40 CFR 63.6650 (e)

This condition lists what information the facility needs to submit for each deviation from an emission limit or operating limit.

40 CFR 63.6650 (f)

This condition states when information in the compliance report required by the NESHAP can be used for the semiannual monitoring report required for Title V.

40 CFR 63.6655 (a)

This regulation sets forth the record keeping requirements for owners or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

40 CFR 63.6660

This condition specifies how long the facility must keep records of the results of the monitoring that was done to prove that the engine(s) was meeting the emission limits in this rule.

40 CFR Part 60, Subpart 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

40 CFR Part 60, Subpart Db

40 CFR Part 63, Subpart ZZZZ

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40 CFR Part 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.

6 NYCRR 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 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



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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 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."

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**(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.**

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide any information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

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

6 NYCRR 201-6.4 (a) (8)

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

6 NYCRR 201-6.4 (c)

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

6 NYCRR 201-6.4 (c) (2)

This requirement applies to all facilities subject to Title V requirements and 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



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required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (d) (4)

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

6 NYCRR 201-6.4 (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.

6 NYCRR 211.1

This regulation requires that no person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property.

6 NYCRR 227.2 (b) (1)

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

6 NYCRR 227-1.3 (a)

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

6 NYCRR 227-2.1

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



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6 NYCRR 242-1.5

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

6 NYCRR 242-8.5

This regulation requires the CO<sub>2</sub> authorized account representative to comply with all applicable recordkeeping and reporting requirements in section 242-8.5, the applicable record keeping and reporting requirements under 40 CFR 75.73 and with the certification requirements of section 242-2.1(e) of this Part.

6 NYCRR 243-1.6 (a)

This condition requires the facility to acknowledge that they are subject to this CAIR regulation and provide owner and contact information. It also requires them to update this information as it changes or provide supplemental information at the Departments request.

6 NYCRR 243-1.6 (b)

This condition obligates the owners and operators of the facility to comply with the monitoring and reporting requirements of the CAIR regulations.

6 NYCRR 243-1.6 (c)

This citation explains the general provisions of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program. This ozone season NO<sub>x</sub> cap and trade program runs from May 1 through September 30 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NO<sub>x</sub> Ozone Season allowances that is not less than the total tons of NO<sub>x</sub> emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NO<sub>x</sub> Ozone Season source that does not surrender enough CAIR NO<sub>x</sub> Ozone Season allowances to cover their NO<sub>x</sub> Ozone Season emissions.

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains that a CAIR NO<sub>x</sub> Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for this program.



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6 NYCRR 243-2.4

This condition describes the required elements of the "Certificate of Representation" for the CAIR program and the certifying language required with submissions to the Department.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that CAIR NOx Ozone Season Trading Program sources must install, certify and operate monitoring systems that meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR Subpart 201-7

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

6 NYCRR Subpart 225-1

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

6 NYCRR Subpart 225-1

This Subpart regulates the sulfur-in-fuel contents of fuel oils and solid fuels.

6 NYCRR Subpart 231-8

This subpart applies to modifications to existing major facilities in attainment areas



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(prevention of significant deterioration (PSD)).

6 NYCRR Subpart 242-4

This citation requires that an Annual Compliance Certification report be submitted by March 1st, on an annual basis, certifying compliance with the CO2 Budget Trading Program.

6 NYCRR Subpart 242-8

Citation 6NYCRR Part 242-8.5 requires that the record keeping and reporting requirements of 40 CFR Part 75.73 and 6NYCRR Part 242-2.1(e) be followed, that a CO2 monitoring plan(s) be submitted, that the CO2 emission monitor(s) be certified, and that CO2 emissions be reported quarterly in an electronic format.

6 NYCRR Subpart 243-1

6 NYCRR Subpart 243-2

6 NYCRR Subpart 243-8

6 NYCRR Subpart 244-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NOx) Annual Trading Program. The control period for this annual NOx cap and trade program runs from January 1 to December 31 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx allowances that is not less than the total tons of NOx emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NOx source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NOx Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 244-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR NOx



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unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in 40 CFR Part 75, Subparts F and G. A certified NOx emission monitoring system must be used to measure NOx emissions. NOx emission reports must be certified and submitted quarterly.

6 NYCRR Subpart 245-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) sulfur dioxide (SO2) Trading Program. The control period for this annual SO2 cap and trade program runs from January 1 to December 31, starting in the year 2010. Each source shall hold a tonnage equivalent in CAIR SO2 allowances that is not less than the total tons of SO2 emissions for the control period.

6 NYCRR Subpart 245-2

Each Clean Air Interstate Rule (CAIR) SO2 source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR SO2 Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 245-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO2 unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO2 emission monitoring system must be used to measure SO2 emissions. SO2 emission reports must be certified and submitted quarterly.

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO2 unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO2 emission monitoring system must be used to measure SO2 emissions. SO2 emission reports must be certified and submitted quarterly.

**Compliance Certification**

**Summary of monitoring activities at REENERGY BLACK RIVER LLC:**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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FACILITY	51	record keeping/maintenance procedures
U-00001	2-2	continuous emission monitoring (cem)
U-00001	58	record keeping/maintenance procedures
U-00001	59	record keeping/maintenance procedures
U-00001	60	continuous emission monitoring (cem)
U-00001	61	continuous emission monitoring (cem)
U-00001	62	work practice involving specific operations
U-00001	63	monitoring of process or control device parameters as surrogate
U-00001	65	record keeping/maintenance procedures

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U-00001	66	continuous emission monitoring (cem)
U-00001	67	intermittent emission testing
U-00001/00001	82	work practice involving specific operations
U-00001/00001	83	work practice involving specific operations
U-00001/00001	84	continuous emission monitoring (cem)
U-00001	72	record keeping/maintenance procedures
U-00005	98	record keeping/maintenance procedures
U-00001	79	record keeping/maintenance procedures
U-00002	86	record keeping/maintenance procedures
U-00002	92	record keeping/maintenance procedures
U-00002	93	record keeping/maintenance procedures
FACILITY	54	record keeping/maintenance procedures
FACILITY	17	record keeping/maintenance procedures
FACILITY	20	record keeping/maintenance procedures
FACILITY	22	record keeping/maintenance procedures
FACILITY	24	work practice involving specific operations
FACILITY	2	record keeping/maintenance procedures
FACILITY	2-1	work practice involving specific operations
FACILITY	26	work practice involving specific operations
FACILITY	28	intermittent emission testing
U-00001/00001	81	monitoring of process or control device parameters as surrogate
FACILITY	27	record keeping/maintenance procedures
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	105	record keeping/maintenance procedures
FACILITY	106	record keeping/maintenance procedures
FACILITY	107	record keeping/maintenance procedures
FACILITY	108	record keeping/maintenance procedures
FACILITY	109	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
FACILITY	47	record keeping/maintenance procedures
FACILITY	50	record keeping/maintenance procedures

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**Basis for Monitoring**  
**BASIS FOR MONITORING**

1. Condition 5 - This condition requires the facility to submit semi-annual reports.
2. Condition 6 - This condition requires the facility to submit annual compliance certification reports.
3. Condition 7 - This condition requires the facility to submit annual emission statements.