



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

Permit ID: 7-0346-00045/00006

Renewal Number: 1

11/24/2010

Facility Identification Data

Name: AES WESTOVER

Address: 720 RIVERSIDE DR

JOHNSON CITY, NY 13790-1839

Owner/Firm

Name: AES WESTOVER LLC

Address: 720 RIVERSIDE DR

JOHNSON CITY, NY 13790-1839, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: ELIZABETH A TRACY

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Division of Air Resources:

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Air Permitting Facility Owner Contact:

Name: ANDREW M CHADWICK

Address: AES WESTOVER

720 RIVERSIDE DR

JOHNSON CITY, NY 13790-1839

Phone:6077296950

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

Application for renewal of Air Title V Facility.

Attainment Status

AES WESTOVER is located in the town of UNION in the county of BROOME.

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.)

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Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	TRANSPORT REGION (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:

AES WESTOVER STATION IS AN ELECTRIC GENERATING STATION CONSISTING OF TWO GENERATOR UNITS. STEAM FOR UNIT 7 IS SUPPLIED BY BOILERS 11 AND 12. STEAM FOR UNIT 8 IS SUPPLIED BY BOILER 13. ALL THREE BOILERS EXHAUST THROUGH A COMMON STACK. THE DUCT FOR BOILER 11 IS CONNECTED DIRECTLY TO THE STACK. THE DUCTS FOR BOILERS 12 AND 13 JOIN TOGETHER BEFORE ENTERING THE STACK OPPOSITE THE BOILER 11 DUCT. AES WESTOVER STATION IS PERMITTED TO BURN BITUMINOUS COAL, NO 2 DIESEL FUEL OIL AND WASTE OIL. ASSOCIATED WITH THE BOILERS ARE A COAL HANDLING SYSTEM (UNLOADING, CONVEYING, ETC.), NO 2 FUEL OIL SYSTEM (TANKS AND PIPING) USED FOR STARTUP AND FLAME STABILIZATION, WASTE OIL SYSTEM (TANKS AND PIPING) FOR BURNING WASTE OIL, A NATURAL GAS FIRED THAW PIT FOR UNTHAWING FROZEN COAL CARS IN THE WINTER, AND OTHER MISCELLANEOUS SOURCES AND ACTIVITIES RELATED TO THE OPERATION OF AN ELECTRIC GENERATING STATION. AES WESTOVER STATION ALSO SUPPLIES STEAM TO A NEIGHBORING MANUFACTURING FACILITY.

STACK EMISSIONS FROM AES WESTOVER STATION ARE PRIMARILY REGULATED BY 6 NYCRR PARTS 225-1 (SULFUR IN FUEL); 227-1 (PARTICULATES AND OPACITY); 227-2 (NOX RACT); 204 (NOX BUDGET); 237 (NOX ACID DEPOSITION) AND 238 (SO2 ACID DEPOSITION). THE FACILITY IS ALSO SUBJECT TO THE FEDERAL ACID RAIN PROGRAM.

Permit Structure and Description of Operations

The Title V permit for AES WESTOVER 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



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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.

AES WESTOVER is defined by the following emission unit(s):

Emission unit W00004 - Emission Unit W00004 consists of all coal handling activities at the facility.

Coal is delivered by rail and truck. Coal delivered by rail is dumped from the bottom of the cars into hoppers below the tracks. Coal is discharged to the coal pile via an apron conveyor system and is pushed to the reclaim hopper by bulldozer. Coal delivered by truck is dumped directly on the coal storage pile. The reclaim hopper discharges coal to an apron conveyor which delivers coal to the boiler/turbine building for delivery to the bunkers for Boilers 11, 12 and 13.

All outside conveyors are enclosed for dust control.

Process: CHS Coal handling. All emissions are fugitive.

Emission unit W00006 - This emission unit is a Cleaver Brooks package boiler. It fires only natural gas and has a maximum heat input of 32.7 million BTU/hr. It will be used to supply building heat and steam when the main boilers are not operating.

Emission unit W00006 is associated with the following emission points (EP):

00006

Process: GAS is located at Basement, Building BOILER - Emission source B0AUX is a Cleaver Brooks package boiler that fires natural gas. There are no emission controls.

Emission unit W00003 - AES WESTOVER STATION IS AN ELECTRIC GENERATION STATION CONSISTING OF TWO GENERATOR UNITS. THIS EMISSION UNIT CONSISTS OF BOILERS 11, 12, AND 13 AND THE ASSOCIATED EMISSIONS CONTROL EQUIPMENT.

THE FOLLOWING IDENTIFIERS WILL BE USED IN RELATION TO THIS EMISSION UNIT: AES WESTOVER STACK, EMISSION UNIT W00003; AES WESTOVER STACK, EMISSION POINT 00001; BOILER 11, EMISSION SOURCE B0011; BOILER 11 ELECTROSTATIC PRECIPITATOR, EMISSION SOURCE ESP11; BURNING BITUMINOUS COAL, PROCESS P11; BURNING NUMBER 2 FUEL OIL, PROCESS P12; BURNING WASTE OIL, PROCESS P13; BOILER 12, EMISSION SOURCE B0012; BOILER 12 ELECTROSTATIC PRECIPITATOR, EMISSION SOURCE ESP12; BURNING BITUMINOUS COAL, PROCESS P21; BURNING NUMBER 2 FUEL OIL, PROCESS P22; BURNING WASTE OIL, PROCESS P23; BOILER 13, EMISSION SOURCE B0013; BOILER 13 ELECTROSTATIC PRECIPITATOR, EMISSION SOURCE ESP13; BURNING BITUMINOUS COAL, PROCESS P31; BURNING NO 2 FUEL OIL, PROCESS P32; BURNING WASTE OIL, PROCESS P33; STEAM FOR UNIT 7 IS SUPPLIED BY EMISSION SOURCES B0011 AND B0012. STEAM FOR UNIT 8 IS SUPPLIED BY EMISSION SOURCE B0013. THE STATION ALSO SUPPLIES STEAM TO A NEIGHBORING MANUFACTURING FACILITY.

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ALL THREE EMISSION SOURCES EXHAUST THROUGH A COMMON STACK (EMISSION POINT 00001). THE DUCT FOR EMISSION SOURCE B0011 IS CONNECTED DIRECTLY TO EMISSION POINT 00001. THE DUCTS FOR EMISSION SOURCES B0012 AND B0013 JOIN TOGETHER BEFORE ENTERING EMISSION POINT 00001 OPPOSITE THE EMISSION SOURCE B0011 DUCT. EMISSION SOURCES B0011 AND B0012 ARE FOSTER WHEELER DRY BOTTOM, WALL FIRED BOILERS DESIGN RATED AT 273 MMBTU/HR MAXIMUM HEAT INPUT EACH. EMISSION SOURCE B0013 IS A COMBUSTION ENGINEERING DRY BOTTOM, TANGENTIALLY FIRED BOILER DESIGN RATED AT 875 MMBTU/HR MAXIMUM HEAT INPUT. ALL THREE EMISSION SOURCES BURN BITUMINOUS COAL AS THEIR PRIMARY FUEL WITH NO 2 OR DIESEL FUEL OIL USED FOR START UP AND FLAME STABILIZATION. WASTE OIL IS ALSO PERMITTED TO BE COMBUSTED IN ALL THREE EMISSION SOURCES. EMISSION SOURCES B0011, B0012, AND B0013 ARE EACH EQUIPPED WITH AN ELECTROSTATIC PRECIPITATOR TO CONTROL PARTICULATE MATTER EMISSIONS. THE BOILER B0013 PRECIPITATOR IS EQUIPPED WITH AN ENERGY MANAGEMENT SYSTEM TO LIMIT ENERGY USAGE AND MAXIMIZE COLLECTION EFFICIENCY. USING THE OPACITY SIGNAL FROM THE MONITOR AND EMPLOYING LOOK AHEAD LOGIC, THE CONTROLLER WILL TURN PRECIPITATOR FIELDS ON AND OFF AS NEEDED TO LIMIT OPACITY EMISSIONS. SULFUR DIOXIDE EMISSIONS ARE CONTROLLED BY LIMITING THE CONTENT OF SULFUR IN THE FUEL. NITROGEN OXIDES EMISSIONS ARE CONTROLLED THROUGH GOOD COMBUSTION PRACTICES. B0013 IS EQUIPPED WITH OVERFIRE AIR.

Emission unit W00003 is associated with the following emission points (EP):

00001

Process: P31 is located at GROUND, Building BOILER - EMISSION SOURCE B0013 FIRES PULVERIZED BITUMINOUS COAL AS ITS PRIMARY FUEL (0-100% BY WEIGHT OF TOTAL FUEL ENTERING THE BOILER). PARTICULATE MATTER EMISSIONS ARE CONTROLLED BY THE USE OF AN ELECTROSTATIC PRECIPITATOR AND MEASURED (WHEN REQUESTED BY DEC) AT EMISSION POINT 00001. THE PRECIPITATOR IS EQUIPPED WITH AN ENERGY MANAGEMENT SYSTEM. SULFUR DIOXIDE EMISSIONS ARE CONTROLLED BY LIMITING THE SULFUR CONTENT OF THE FUEL. NITROGEN OXIDES EMISSIONS ARE CONTROLLED THROUGH THE USE OF OVERFIRE AIR. NITROGEN OXIDE LIMITS ON A SYSTEM WIDE BASIS ARE ESTABLISHED IN AES NEW YORK'S NOX RACT COMPLIANCE PLAN. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEM (CEMS) ON EMISSION POINT 00001.

Process: P32 is located at GROUND, Building BOILER - EMISSION SOURCE B0013 FIRES NO 2 FUEL OIL, MAINLY AS A STARTUP AND FLAME STABILIZATION FUEL. THE PRECIPITATORS ARE ENERGIZED AS NEEDED DURING NO 2 FUEL OIL FIRING TO PREVENT OPACITY EXCEEDENCES. THERE ARE NO SPECIFIC FUEL OIL CONTROLS FOR SULFUR DIOXIDE OR NITROGEN OXIDES EMISSIONS. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEM (CEM) ON EMISSION POINT 00001.

Process: P33 is located at GROUND, Building BOILER - EMISSION SOURCE B0013 IS PERMITTED TO FIRE WASTE OIL WHICH MUST BE COFIRED WITH COAL WHEN BURNED. THE EMISSION UNIT (PROCESSES P13, P23, AND P33 COMBINED) IS LIMITED TO BURNING WASTE OIL AT A MAXIMUM RATE OF 20 GALLONS PER MINUTE. THE PCB CONTENT IS LIMITED TO 2 PPM. ADDITIONAL PERMIT REQUIREMENTS FOR BURNING COMMERCIAL WASTE OIL ARE ATTACHED TO THIS PERMIT. THERE ARE NO SPECIFIC CONTROLS FOR SULFUR DIOXIDE OR NITROGEN OXIDES EMISSIONS. SULFUR DIOXIDE AND NITROGEN OXIDES EMISSIONS ARE MEASURED BY THE CONTINUOUS EMISSION MONITORING SYSTEM (CEMS) ON EMISSION POINT 00001.



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Emission unit W00005 - THE FLYASH HANDLING SYSTEM REMOVES FLYASH FROM BOILER 13. Ash is conveyed pneumatically from the hoppers on the baghouse to a storage silo. The flyas is emptied from the silo into trucks and transported to a mine reclamation site.

Bottom ash is collected in ash hoppers where it is flushed and sent to a slurry tank. Bottom ash is then de-watered and dumped in to transport vehicles. The bottom ash is used for traction by local towns.

Process: ASH Handling of flyash and bottom ash.

Title V/Major Source Status

AES WESTOVER is subject to Title V requirements. This determination is based on the following information:

The facility is a major source of HAPs, SO2, CO, NOx, and PM10.major_src_status

Program Applicability

The following chart summarizes the applicability of AES WESTOVER with regards to the principal air pollution regulatory programs:

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

NOTES:

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

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



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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 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.

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SIC Code	Description
4911	ELECTRIC SERVICES

SCC Codes

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

SCC Code	Description
1-01-002-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (BITUMINOUS COAL)
1-01-002-12	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (TANGENTIAL) (BITUMINOUS COAL)
1-01-005-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-01-013-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - LIQUID WASTE Waste Oil
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS
3-05-010-11	10-100 MMBtu/Hr MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS) MINERAL PROD - COAL MINING, CLEANING & MATL HANDL: COAL TRANSFER

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



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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
000124-38-9	CARBON DIOXIDE	193122960	>= 100 tpy but < 250 tpy
000630-08-0	CARBON MONOXIDE		
0NY100-00-0	HAP		> 0 but < 2.5 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
0NY075-00-5	PM-10		>= 250 tpy but < 75,000 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY998-00-0	VOC		> 0 but < 2.5 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 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 - 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.

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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 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 201-6.5(a)(6)

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

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

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

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

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the conditions of the permit shall be deemed compliance with any applicable requirements as of the date of permit issuance, provided that such applicable requirements are included and are specifically identified in the permit, or the Department, in acting on the permit application or revision, determines in writing that other requirements specifically identified

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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 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



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

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

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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
-- FACILITY	ECL 19-0301	50	Powers and Duties of the Department with respect to air pollution control
W-00003	40CFR 52-A.21	39, 40, 41, 42	Prevention of Significant Deterioration

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W-00006	40CFR 60-Dc.48c (g)	49	Reporting and Recordkeeping Requirements.
FACILITY	40CFR 64	36	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	23	Chemical accident prevention provisions
W-00003/-/P31/B0013	40CFR 72-A.6 (a) (2)	43	The Facilities which are in Phase 2 of Title IV and are listed in Table 2 or 3 of 40 CFR Part 73.10.
FACILITY	40CFR 82-F	24	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	2	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	12	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	51	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	13	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	14	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2 (a)	15	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3 (a)	16	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	25, 37, 38	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5 (a) (4)	17	General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	3	General conditions
FACILITY	6NYCRR 201-6.5 (a) (8)	18	Fees
FACILITY	6NYCRR 201-6.5 (c)	4	General conditions
FACILITY	6NYCRR 201-6.5 (c) (2)	5	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (3)	26	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	6	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (d) (5)	19	Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	7	Compliance Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	20	Off Permit Changes
FACILITY	6NYCRR 202-1.1	21	Required emissions tests.
FACILITY	6NYCRR 202-2.1	8	Emission Statements -

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FACILITY	6NYCRR 202-2.5	9	Applicability Emission Statements - record keeping requirements.
FACILITY	6NYCRR 211.2	52	General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 211.3	22	General Prohibitions - visible emissions limited
FACILITY	6NYCRR 215	10	Open Fires
FACILITY	6NYCRR 215.2	11	Open Fires - Prohibitions
W-00003	6NYCRR 225-1.2 (a) (2)	56	Sulfur in Fuel Limitations Post 12/31/87.
FACILITY	6NYCRR 225-1.7 (c)	27	Emission and fuel monitoring.
W-00003/00001	6NYCRR 225- 2.3 (b) (1) (ii)	44	Eligibility to burn waste fuel A.
W-00003/00001	6NYCRR 227-1.2 (a) (1)	45	Particulate Emissions from Liquid Fuels.
W-00003/00001	6NYCRR 227-1.2 (a) (4)	46	Particulate Emissions Firing Solid Fuels.
W-00003/00001	6NYCRR 227-1.3	47	Smoke Emission Limitations.
W-00003/00001	6NYCRR 227-1.4 (b)	48	Stack Monitoring
W-00006	6NYCRR 227-2.4 (d)	58	Small boilers, small combustion turbines, and small stationary internal combustion engines.
W-00003	6NYCRR 227-2.5 (b)	57	System averaging plan.
FACILITY	6NYCRR 242	54	CO2 Budget Trading Program
FACILITY	6NYCRR 242-8	53	CO2 Budget Trading Program - Monitoring and reporting
FACILITY	6NYCRR 243-1	1	CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2	28	General Provisions CAIR Designated Representative for CAIR NOx Ozone Season Sources
FACILITY	6NYCRR 243-8	29	Monitoring and reporting - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 244-1	30	CAIR NOx Ozone Annual Trading Program
FACILITY	6NYCRR 244-2	31	General Provisions CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	32	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	33	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-2	34	CAIR Designated Representative for



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FACILITY	6NYCRR 245-8	35	CAIR SO2 Sources Monitoring and Reporting for CAIR SO2 Trading Program
FACILITY	6NYCRR 246	55	Mercury Reduction Program for Coal- Fired Electric Utility Steam Generating Units

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.

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6 NYCRR Subpart 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.

6 NYCRR 201-6.5 (a) (4)

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

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 201-6.5 (c) (3)

This regulation specifies that the permit incorporate all reporting requirements associated with an applicable federal rule, the submittal of any required monitoring reports at least every 6 months, and the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

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

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



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regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 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.

6 NYCRR 201-6.5 (e)

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

6 NYCRR 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.

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 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 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

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.

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.



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40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

Facility Specific Requirements

In addition to Title V, AES WESTOVER has been determined to be subject to the following regulations:

40 CFR 52.21

In response to alleged violations of the EPA's PSD rules, the DEC and AES entered into a consent decree. Permit conditions have been added to implement the negotiated emission limits.

40 CFR 60.48c (g)

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

40 CFR 72.6 (a) (2)

These boilers are subject to the Acid Rain Program and must comply with the Title IV permit.

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.

AES Westover will monitor stack opacity and a baghouse leak detection system.

6 NYCRR 225-1.2 (a) (2)

This regulation prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section.

6 NYCRR 225-1.7 (c)

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



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6 NYCRR 225-2.3 (b) (1) (ii)

This regulation requires that each piece of equipment which fires Waste Fuel A demonstrate, at a minimum, 99% combustion efficiency in burning Waste fuel A

6 NYCRR 227-1.2 (a) (1)

This regulation establishes a particulate emission limit in terms of lbs per mmBtu of heat input for stationary combustion units of greater than 250 mmBtu/hr heat input capacity which fire coal, oil, or coal derived fuels.

6 NYCRR 227-1.2 (a) (4)

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

6 NYCRR 227-1.3

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

6 NYCRR 227-1.4 (b)

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

6 NYCRR 227-2.4 (d)

NO_x RACT requirements for small boilers, small combustion turbines, and small stationary internal combustion engines.

6 NYCRR 227-2.5 (b)

System averaging plan NO_x RACT compliance option.

6 NYCRR Part 242

A condition is contained in the permit to implement the DEC's CO₂ cap and trade rule.

6 NYCRR Part 246

The facility must keep mercury emissions below 30.0 pounds per year and follow the testing, recordkeeping and reporting requirements of 6 NYCRR 246.

6 NYCRR Subpart 242-8

Citation 6NYCRR Part 242-8.5 requires that the record keeping and reporting



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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

The owner or operator must hold enough NOx CAIR Ozone season allowances in his or her account to cover the facility's NOx ozone season emissions.

6 NYCRR Subpart 243-2

A Designated Representative must make certified submissions on behalf of the owner or operator.

6 NYCRR Subpart 243-8

The owner or operator must monitor emissions of NOx using CEMs that meet the quality control and quality assurance requirements of 40 CFR Part 75.

6 NYCRR Subpart 244-1

The owner or operator must hold enough annual CAIR NOx allowances in his or her account to cover the facility's NOx emissions.

6 NYCRR Subpart 244-2

A Designated Representative must make certified submissions on behalf of the owner or operator.

6 NYCRR Subpart 244-8

The owner or operator must monitor emissions of NOx using CEMs that meet the quality control and quality assurance requirements of 40 CFR Part 75.

6 NYCRR Subpart 245-1

The owner or operator must hold enough CAIR SO2 allowances in his or her account to cover the facility's SO2 emissions.

6 NYCRR Subpart 245-2

A Designated Representative must make certified submissions on behalf of the owner or operator.

6 NYCRR Subpart 245-8

The owner or operator must monitor emissions of SO2 using CEMs that meet the quality control and quality assurance requirements of 40 CFR Part 75.

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Compliance Certification
Summary of monitoring activities at AES WESTOVER:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

W-00003	39	continuous emission monitoring (cem)
W-00003	40	continuous emission monitoring (cem)
W-00003	41	continuous emission monitoring (cem)
W-00003	42	continuous emission monitoring (cem)
W-00006	49	record keeping/maintenance procedures
FACILITY	36	monitoring of process or control device parameters as surrogate
FACILITY	26	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	8	record keeping/maintenance procedures
W-00003	56	monitoring of process or control device parameters as surrogate
FACILITY	27	record keeping/maintenance procedures
W-00003/00001	44	monitoring of process or control device parameters as surrogate
W-00003/00001	45	intermittent emission testing
W-00003/00001	46	intermittent emission testing
W-00003/00001	47	continuous emission monitoring (cem)
W-00003/00001	48	record keeping/maintenance procedures
W-00006	58	record keeping/maintenance procedures
W-00003	57	record keeping/maintenance procedures
FACILITY	54	record keeping/maintenance procedures
FACILITY	53	record keeping/maintenance procedures
FACILITY	32	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	55	record keeping/maintenance procedures

Basis for Monitoring

The facility is required to install and operate devices for continuously monitoring emissions of sulfur dioxide, oxides of nitrogen and carbon dioxide. The facility measures these pollutants to document compliance with state SO₂ and NO_x regulations as well as the Acid Rain and NO_x budget programs. The facility must also monitor opacity and develop a Compliance Assurance Monitoring Plan.

The DEC is requiring AES to test emissions of particulate matter in calendar year 2010. It is expected that testing will occur in July, 2010, just prior to the permit renewal. Because the device is equipped with a fabric filter that will reduce emissions far below the allowable limit, testing more frequent than once every five years is not warranted.