



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

Permit ID: 7-3512-00030/00023

**Renewal Number: 1
05/18/2010**

Facility Identification Data

Name: OSWEGO HARBOR POWER
Address: 261 WASHINGTON BLVD
OSWEGO, NY 13126

Owner/Firm

Name: OSWEGO HARBOR POWER LLC
Address: 261 WASHINGTON BLVD
OSWEGO, NY 13126, USA
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
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Air Permitting Contact:
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OSWEGO, NY 13126-1751
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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

OSWEGO HARBOR POWER is located in the town of OSWEGO in the county of OSWEGO. 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:

Oswego Harbor Power produces electricity and includes the following equipment:

1. Unit 3 - (Emission Unit 5) This is a peaking unit capable of firing natural gas or oil, but historically fires natural gas. The maximum heat input is 1,015 mmBTU/hr.
2. Unit 5 - (Emission Unit 5) This unit is capable of firing natural gas or oil, and its maximum heat input is 7,840 mmBTU/hr.
3. Unit 6 - (Emission Unit 6) This unit is capable of firing natural gas or oil, and its maximum heat input is 7,840 mmBTU/hr.
4. Unit 9 - (Emission Unit 9) This unit is a package boiler capable of firing natural gas or oil (residual or distillate). The maximum heat input is 78.3 mmBTU/hr firing natural gas and 74.9 mmBTU/hr firing oil.
5. Unit 10 - (Emission Unit 10) This unit is a package boiler used for station heating capable of firing natural gas or distillate oil. The maximum heat input is 90.5 mmBTU/hr.
6. The facility has four residual oil storage tanks with a capacity of 16,254,000 gallons each.
7. The facility operates a lime feeder at the water treatment plant.

Permit Structure and Description of Operations

The Title V permit for OSWEGO HARBOR POWER

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



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any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

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

OSWEGO HARBOR POWER is defined by the following emission unit(s):

Emission unit U00005 - Emission Unit U00005 consists of two steam generators, Unit 3 and Unit 5. Unit 3 can fire natural gas or oil and has a maximum heat input of 1,015 mmBtu/hr. Unit 3 previously served a 100 MW steam turbine but is now used to supply steam for building heating. Unit 3 is no longer connected to the turbine. Unit 3 is limited to 1.0% sulfur oil (which is not federally enforceable). Emissions pass through multiple cyclones (S003C) and are vented with Unit 5 emissions through the No. 5 stack (00005). Unit 5 is a Foster Wheeler boiler that supplies steam to a 850 MW turbine. Unit 5 fires 1.5 wt% sulfur residual oil (the federally-enforceable limit is 2.0 wt% sulfur residual oil). Particulate emissions are controlled with an electrostatic precipitator (S005C). NOx emissions will be controlled with overfire air and flue gas recirculation. Flue gas from Unit 5 is vented through the No. 5 stack (00005) with emissions from Unit 3. Unit 5 can be started up on either distillate oil or natural gas.

Emission unit U00005 is associated with the following emission points (EP):
00005

Process: P51 is located at 1, Building 1 - Process identification number P51 designates residual and distillate oil firing in Units 3 and 5. NYSDEC regulations restrict the sulfur content of the fuel to 1.5% by weight which is lower than the federally enforceable limit of 2.0%. This process also allows co-firing of natural gas in Unit 3 only.

Process: P52 is located at 1, Building 1 - Process identification number P52 designates natural gas firing in Units 3 and 5.

Process: P53 is located at 1, Building 1 - Process identification number P53 designates the co-firing of Waste Fuel A (100,000 gallons/yr) with residual oil in Unit 5 (i.e., S0005). The firing of residual oil must meet the requirements as process P51.

Emission unit U00008 - Emission Source U00008 is the lime feeder on the waste water treatment plant (S0008).

Emission unit U00008 is associated with the following emission points (EP):
00008

Process: PLS is located at Building 2 - Process PLS identifies the lime feeder process at the water treatment plant.

Emission unit U00006 - Emission Unit U00006 consists of one steam generator that provides steam to a turbine capable of producing 850 MW net of electricity. This unit fires 0.75% sulfur residual oil and is capable of producing up to 245 MW by firing natural gas. The federally enforceable sulfur limit is 0.80 lbs SO₂/mmBtu which is equivalent to 0.75 wt% sulfur. Unit 6 is subject to 40 CFR Part 60, subpart D. Particulate emissions are controlled by an electrostatic precipitator (S006C). NOx emissions are controlled by overfire air and flue gas recirculation. Natural gas or distillate oil may be used to ignite the boiler during startup.



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Emission unit U00006 is associated with the following emission points (EP):
00006

Process: P61 is located at 1, Building 1 - Process identification number P61 designates residual oil firing in Unit 6. The boiler is subject to 40 CFR 60 Subpart D (NSPS). This process also allows co-firing of natural gas in the boiler.

Process: P62 is located at 1, Building 1 - Process identification number P62 designates natural gas firing in Unit 6. This boiler is subject to 40 CFR 60 Subpart D (NSPS).

Process: P63 is located at 1, Building 1 - Process identification number P63 designates the co-firing of Waste Fuel A (100,000 gallons/yr) with residual oil in Unit 6 (i.e., S0006). The firing of residual oil must meet the requirements as process P61. Waste fuel a may also be co-fired with natural gas.

Emission unit U00009 - Emission Unit U00009 consists of a package boiler (Emission Source S0009) that is used for station heating. This unit is capable of firing either oil (residual and distillate) or natural gas. The maximum heat input is 78.3 mmBtu/hr when firing gas, and 74.9 mmBtu/hr when firing oil.

Emission unit U00009 is associated with the following emission points (EP):
00009

Process: P91 is located at 1, Building 1 - Process identification number P91 identifies oil (residual and distillate) combustion in the Zurn package boiler.

Process: P92 is located at 1, Building 1 - Process identification number P92 identifies natural gas combustion in the Zurn package boiler.

Emission unit U00010 - Emission Unit U00010 consists of a model D370 boiler, manufactured by Volcano. The boiler is equipped with low NOx burners and meets the NOx RACT control requirements found in 227-2.4(c)(i). This boiler can fire either distillate oil or natural gas. The rated heat input on gas is 90.5 mmBtu/hr; the rated heat input on oil is 87.2 mmBtu/hr.

Emission unit U00010 is associated with the following emission points (EP):
00010

Process: GAS is located at FLOOR 1, Building 1 - This process allows the use of natural gas to be fired in the Volcano D3 70 unit.

Process: OIL is located at FLOOR 1, Building 1 - This process allows the use of distillate oil to be fired in the Volcano D3 70 unit.

Emission unit U00007 - Emission Unit U00007 consists of storage tanks 1-4 (S00T1, S00T2, S00T3, and S00T4, respectively). The capacity of each oil tank is 16,254,000 gallons. The tanks are not subject to 6 NYCRR Part 229 or 40 CFR 60 Subparts K, Ka, or Kb. The tanks are equipped with carbon adsorbers (S0T1C, S0T2C, S0T3C, and S0T4C) for odor control.

Emission unit U00007 is associated with the following emission points (EP):
000T1, 000T2, 000T3, 000T4

Process: PT1 Process PT1 identifies storing residual oil in Storage Tank #1 with a capacity of 16,254,000 gallons.

Process: PT2 Process PT2 identifies storing residual oil in Storage Tank #2 with a capacity of 16,254,000 gallons.

Process: PT3 Process PT3 identifies storing residual oil in Storage Tank #3 with a capacity of 16,254,000 gallons.

Process: PT4 Process PT4 identifies storing residual oil in Storage Tank #4 with a capacity of 16,254,000 gallons.

Title V/Major Source Status



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OSWEGO HARBOR POWER is subject to Title V requirements. This determination is based on the following information:

This facility has the potential to emit NOx, SO2, particulates, PM-10, VOC, and HAPs in quantities that exceed the major source thresholds.

Program Applicability

The following chart summarizes the applicability of OSWEGO HARBOR POWER with regards to the principal air pollution regulatory programs:

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

NOTES:

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

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

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61) - contaminant 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.



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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.

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

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1-01-004-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - RESIDUAL OIL Grade 6 Oil: Normal Firing
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-007-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - PROCESS GAS Boilers < 100 MBTU/HR
1-01-013-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - LIQUID WASTE Waste Oil
1-02-005-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-006-02	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS 10-100 MMBtu/Hr
3-05-104-96	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS UNLOADING OPERATION
3-90-900-06	Chemical: Specify in Comments IN-PROCESS FUEL USE IN-PROCESS FUEL USE - FUEL STORAGE - FIXED ROOF TANKS OIL NO. 6: WORKING LOSS

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
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN		> 0 but < 10 tpy

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000091-57-6	2-METHYL NAPHTHALENE	> 0 but < 2.5 tpy
000056-49-5	3-METHYLCHOLANTHRENE	> 0 but < 2.5 tpy
000057-97-6	7,12-DIMETHYLBENZ [A] ANTHRA CENE	> 0 but < 2.5 tpy
000083-32-9	ACENAPHTHENE	> 0 but < 10 tpy
000208-96-8	ACENAPHTHYLENE	> 0 but < 10 tpy
000120-12-7	ANTHRACENE	> 0 but < 10 tpy
007440-38-2	ARSENIC	> 0 but < 10 tpy
000071-43-2	BENZENE	> 0 but < 10 tpy
000056-55-3	BENZO (A) ANTHRACENE	> 0 but < 10 tpy
000050-32-8	BENZO (A) PYRENE	> 0 but < 10 tpy
000205-99-2	BENZO [B] FLUORANTHENE	> 0 but < 10 tpy
000191-24-2	BENZO [G, H, I] PERYLENE	> 0 but < 10 tpy
000207-08-9	BENZO [K] FLUORANTHENE	> 0 but < 10 tpy
007440-41-7	BERYLLIUM	> 0 but < 10 tpy
007440-43-9	CADMIUM	> 0 but < 10 tpy
000124-38-9	CARBON DIOXIDE	>= 250 tpy
000630-08-0	CARBON MONOXIDE	>= 250 tpy
016887-00-6	CHLORIDE ION CL-	> 0 but < 2.5 tpy
007782-50-5	CHLORINE	> 0 but < 10 tpy
007440-47-3	CHROMIUM	> 0 but < 10 tpy
000218-01-9	CHRYSENE	> 0 but < 10 tpy
007440-48-4	COBALT	>= 10 tpy
000053-70-3	DIBENZ [A, H] ANTHRACENE	> 0 but < 10 tpy
025321-22-6	DICHLOROBENZENE	> 0 but < 2.5 tpy
000100-41-4	ETHYLBENZENE	> 0 but < 10 tpy
000206-44-0	FLUORANTHENE	> 0 but < 10 tpy
000050-00-0	FORMALDEHYDE	>= 10 tpy
0NY100-00-0	HAP	>= 250 tpy
000110-54-3	HEXANE	>= 10 tpy
007647-01-0	HYDROGEN CHLORIDE	>= 10 tpy
007664-39-3	HYDROGEN FLUORIDE	>= 10 tpy
000193-39-5	INDENO [1, 2, 3- CD] PYRENE	> 0 but < 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
000091-20-3	NAPHTHALENE	> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	>= 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	>= 250 tpy
0NY075-00-0	PARTICULATES	>= 250 tpy
000085-01-8	PHENANTHRENE	> 0 but < 10 tpy
007723-14-0	PHOSPHORUS (YELLOW)	> 0 but < 10 tpy
0NY075-00-5	PM-10	>= 250 tpy
001336-36-3	POLYCHLORINATED BIPHENYL	> 0 but < 10 tpy
000129-00-0	PYRENE	> 0 but < 10 tpy
007782-49-2	SELENIUM	> 0 but < 10 tpy
0NY035-16-0	SULFUR (S 035)	>= 250 tpy
007446-09-5	SULFUR DIOXIDE	>= 250 tpy
000108-88-3	TOLUENE	> 0 but < 10 tpy
0NY998-00-0	VOC	>= 250 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.

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- (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.

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.



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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 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

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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 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

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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	93	Powers and Duties of the Department with respect to air pollution control
U-00010	40CFR 52-A.21	76, 77	Prevention of Significant Deterioration
FACILITY	40CFR 60-A	43	General provisions
U-00006	40CFR 60-D.43 (a) (1)	64	Sulfur Dioxide Standard: for liquid fossil fuel or liquid fossil fuel and wood residue.
U-00006	40CFR 60-D.44 (a) (1)	65	Standards of Nitrogen Oxides for Gaseous Fossil Fuel
U-00006	40CFR 60-D.44 (a) (2)	66	Standard of Nitrogen Oxides Liquid Fossil Fuel
U-00006	40CFR 60-D.44 (b)	67	Standard of Nitrogen Oxide for Multiple Fossil Fuels
U-00010/-/OIL	40CFR 60-Dc.42c (h)	83	Exemption from Averaging Requirements
U-00010/-/OIL	40CFR 60-Dc.42c (i)	84	Standard for Sulfur Dioxide Period of Requirements.
U-00010/-/OIL	40CFR 60-Dc.43c (c)	85	Standard for Opacity.
U-00010/-/OIL	40CFR 60-Dc.43c (d)	86	Time Period Requirements for Opacity
U-00010/-/OIL	40CFR 60-Dc.44c (h)	87	Alternative Compliance and Performance Test Methods and Procedures for Sulfur Dioxide.
U-00010/-/OIL	40CFR 60-Dc.45c (a)	88	Compliance and Performance Test Methods and



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U-00010/-/OIL	40CFR 60-Dc.46c (e)	89	Procedures for Particulate Matter. Exemption from Emission Monitoring for Sulfur Dioxide. Reporting and Recordkeeping Requirements.
U-00010/-/OIL	40CFR 60-Dc.48c (d)	90	
U-00010/-/OIL	40CFR 60-Dc.48c (e) (11)	91	
U-00010/-/OIL	40CFR 60-Dc.48c (f) (1)	92	
U-00010	40CFR 60-Dc.48c (g)	79	
FACILITY	40CFR 64	44	
FACILITY	40CFR 68	21	
FACILITY	40CFR 72	45	
FACILITY	40CFR 82-F	22	
FACILITY	6NYCRR 200.6	1	
FACILITY	6NYCRR 200.7	10	
FACILITY	6NYCRR 201-1.4	94	
FACILITY	6NYCRR 201-1.7	11	
FACILITY	6NYCRR 201-1.8	12	
FACILITY	6NYCRR 201-3.2 (a)	13	
FACILITY	6NYCRR 201-3.3 (a)	14	
FACILITY	6NYCRR 201-6	23, 46, 47	
FACILITY	6NYCRR 201-6.5 (a) (4)	15	
FACILITY	6NYCRR 201-6.5 (a) (7)	2	
FACILITY	6NYCRR 201-6.5 (a) (8)	16	
FACILITY	6NYCRR 201-6.5 (c)	3	
FACILITY	6NYCRR 201-6.5 (c) (2)	4	
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	5	

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FACILITY	6NYCRR 201-6.5 (d) (5)	17	Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (e)	6	Compliance schedules
			Compliance
			Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	18	Off Permit Changes
FACILITY	6NYCRR 201-6.5 (g)	24	Permit shield
FACILITY	6NYCRR 201-7	48	Federally Enforceable
			Emissions Caps
U-00010	6NYCRR 201-7	76, 77	Federally Enforceable
			Emissions Caps
FACILITY	6NYCRR 202-1.1	19	Required emissions
			tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements -
			Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements -
			record keeping
			requirements.
U-00005	6NYCRR 207.3 (d)	49	Episode actions
U-00006	6NYCRR 207.3 (d)	59	Episode actions
FACILITY	6NYCRR 211.2	95	General Prohibitions
			- air pollution
			prohibited.
FACILITY	6NYCRR 211.3	20	General Prohibitions
			- visible emissions
			limited
FACILITY	6NYCRR 215	9	Open Fires
U-00009/-/P91	6NYCRR 225-1.2 (d)	74	Sulfur-in-fuel
			limitations - Table 2
U-00005	6NYCRR 225-1.5	50	General Variances
			Fuel Mixtures.
U-00006	6NYCRR 225-1.5	60	General Variances
			Fuel Mixtures.
U-00005	6NYCRR 225-1.7 (c)	51	Emission and fuel
			monitoring.
FACILITY	6NYCRR 225-1.8	25	Reports, sampling and
			analysis.
U-00005/-/P53	6NYCRR 225-2.3 (a)	55	Eligibility to burn
			waste fuel A.
U-00006/-/P63	6NYCRR 225-2.3 (a)	68	Eligibility to burn
			waste fuel A.
U-00005/-/P53	6NYCRR 225-	56	Eligibility to burn
	2.3 (b) (1) (ii		waste fuel A.
U-00006/-/P63	6NYCRR 225-	69	Eligibility to burn
	2.3 (b) (1) (ii		waste fuel A.
U-00009/-/P91	6NYCRR 227.2 (b) (1)	75	Particulate
			emissions.
U-00010/-/OIL	6NYCRR 227.2 (b) (1)	82	Particulate
			emissions.
U-00005	6NYCRR 227-1.2 (a) (1)	52	Particulate Emissions
			from Liquid Fuels.
U-00006	6NYCRR 227-1.2 (a) (1)	61	Particulate Emissions
			from Liquid Fuels.
FACILITY	6NYCRR 227-1.3	26	Smoke Emission
			Limitations.
U-00009	6NYCRR 227-1.3	72	Smoke Emission
			Limitations.
U-00010	6NYCRR 227-1.3	78	Smoke Emission
			Limitations.
U-00005/00005	6NYCRR 227-1.3 (a)	57	Smoke Emission
			Limitations.
U-00006/00006	6NYCRR 227-1.3 (a)	70	Smoke Emission
			Limitations.
U-00005/00005	6NYCRR 227-1.4 (b)	58	Stack Monitoring
U-00006/00006	6NYCRR 227-1.4 (b)	71	Stack Monitoring

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U-00010/-/GAS	6NYCRR 227-2.4 (c) (2)	80	Emission limitations for mid-sized boilers firing gas, distillate or residual fuels.
U-00010/-/OIL	6NYCRR 227-2.4 (c) (2)	81	Emission limitations for mid-sized boilers firing gas, distillate or residual fuels.
U-00005	6NYCRR 227-2.5 (b)	53	System-wide averaging option.
U-00006	6NYCRR 227-2.5 (b)	62	System-wide averaging option.
U-00009	6NYCRR 227-2.5 (b)	73	System-wide averaging option.
U-00005	6NYCRR 227-2.6	54	Testing, monitoring, and reporting requirements
U-00006	6NYCRR 227-2.6	63	Testing, monitoring, and reporting requirements
U-00010	6NYCRR 231-2	77	New Source Review in Nonattainment Areas and Ozone Transport Region
FACILITY	6NYCRR 242	96	CO2 Budget Trading Program
FACILITY	6NYCRR 243-1.6 (a)	27	Permit Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (b)	28	Monitoring Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (c)	29	NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (d)	30	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (e)	31	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	32	Authorization and responsibilities - CAIR Designated Representative Certificate of representation - CAIR Designated Representative
FACILITY	6NYCRR 243-2.4	33	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.1	34	Quarterly reports re: recordkeeping and reporting - Monitoring and
FACILITY	6NYCRR 243-8.5 (d)	35	Quarterly reports re: recordkeeping and reporting - Monitoring and

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FACILITY	6NYCRR 243-8.5(e)	36	Reporting Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	37	CAIR NOx Ozone Annual Trading Program General Provisions
FACILITY	6NYCRR 244-2	38	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	39	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	40	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-2	41	CAIR Designated Representative for CAIR SO2 Sources
FACILITY	6NYCRR 245-8	42	Monitoring and Reporting for CAIR SO2 Trading Program

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



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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

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.



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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) (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 201-6.5 (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 201-6.5 (g)

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

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



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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.

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, OSWEGO HARBOR POWER 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; i.e. facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i).

40 CFR 60.42c (h)

This regulation requires that compliance with emission limits and/or fuel oil sulfur limitations be based on a certification from the fuel supplier as stated in paragraph 40 CFR 60-Dc.48c(f)(1), (2), or (3) as applicable

40 CFR 60.42c (i)

This regulation requires that the sulfur dioxide emission limits, percentage reductions, and fuel oil sulfur limitations apply at all times, including periods of startup, shutdown, and malfunction.

40 CFR 60.43 (a) (1)

This regulation requires that the sulfur dioxide emissions, while firing liquid fossil fuel or liquid fossil fuel and wood residue, not exceed 0.80 lb/mmBtu

40 CFR 60.43c (c)

This regulation requires that on or after the date on which the initial performance test is completed or is required to be completed, an affected facility that combusts coal, wood, or oil and has a heat input of 30 million Btu per hour (8.7 MW) or greater, shall not cause any gases to be discharged to the atmosphere, that exhibit an opacity greater than 20% (based on a 6-minute average) or exceeds 27% for one 6-minute period per hour.



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40 CFR 60.43c (d)

This regulation requires that the particulate matter and opacity standards of section 40 CFR 60-Dc.43c apply at all times, except during periods of startup, shutdown, and malfunction.

40 CFR 60.44 (a) (1)

This regulation specifies that the emissions of nitrogen oxide, while firing gaseous fossil fuel, must not exceed 0.20 lb/mmBtu

40 CFR 60.44 (a) (2)

This regulation specifies that the emissions of nitrogen oxide, while firing liquid fossil fuel, liquid fossil fuel and wood residue, or gaseous fossil fuel and wood residue, must not exceed 0.30 lb/mmBtu

40 CFR 60.44 (b)

This regulation provides the equation to be used to determine the emissions of nitrogen oxide (in lb/mmBtu) while firing multiple fuels.

40 CFR 60.44c (h)

This regulation requires facilities demonstrating compliance through vendor certification to follow the compliance procedures listed in the appropriate paragraphs of 40 CFR 60-Dc.48c.

40 CFR 60.45c (a)

This regulation requires that the opacity of the emissions be monitored during the stack test. The opacity may not exceed 20%.

40 CFR 60.46c (e)

This regulation allows facilities subject to paragraphs 40 CFR 60-Dc.42c(h)(1), (2), or (3) who show compliance through vendor certification, to be exempt from the monitoring requirements of section 40 CFR 60-Dc.46c

40 CFR 60.48c (d)

This regulation requires the owner or operator of the facility subject to the SO₂ emission limits, fuel oil sulfur limits, or percent reduction requirements under §60.42c, to submit semi-annual reports to the EPA

40 CFR 60.48c (e) (11)

If fuel supplier certifications are used to demonstrate compliance with the distillate oil specifications under 40 CFR 60-Dc.41c, then reports shall include a certified statement signed by the owner or operator that the records of fuel supplier certifications submitted represent all of the fuel combusted during the reporting period.

40 CFR 60.48c (f) (1)

Fuel supplier certifications for distillate oil shall include the name of the oil supplier and a statement from the oil supplier that the oil complies with the specification under the definition of distillate oil in 40 CFR 60-Dc.41c

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.



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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 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.

40 CFR Part 72

In order to reduce acid rain the the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of SO₂ and NO_x (sulfur dioxide and oxides of nitrogen). Fossil fuel burning electric utility companies are a major source of these contaminants in the US. These sources were regulated in a phased approach. Phase I, which began in 1995, requires 110 of the higher-emitting utility plants in the eastern and Midwest states to meet intermediate SO₂ emission limitations. Phase II, which began in 2000, tightens the emission limitations and expands the coverage to most fossil fuel burning utilities. The utilities are given "allowances" which is a limited authorization to emit one ton of SO₂. The utilities are required to limit SO₂ emissions to the number of allowances they hold. Some can benefit however by reducing their emissions and selling their excess allowances. Part 72 contains the means of implementing this portion of Title IV of the Clean Air Act.

6 NYCRR 207.3 (d)

This regulation requires a source with an approved air pollution episode plan to implement that plan during an air pollution episode.

6 NYCRR 225-1.2 (d)

The sulfur-in-fuel limitations for residual and distillate oil and for solid fuel are listed in Tables 1,2 and 3 or 6 NYCRR Part 225-1.2(c), (d) and (e)

6 NYCRR 225-1.5

This regulation allows for the use of a fuel with a sulfur content greater than that allowed on Tables 1,2 or 3 of 6 NYCRR Part 225-1.2 if the source owner can show that the emissions of sulfur dioxide do not exceed the amount allowed using the equation cited in this regulation.

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 225-1.8

This regulation requires an owner or operator of a facility which purchases and fires coal and/or oil to submit reports to the commissioner containing fuel analysis data, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1.

6 NYCRR 225-2.3 (a)

This regulation prohibits the burning of Waste Fuel A in stationary combustion units. Waste fuel A is a waste oil that contains between 25 and 250 parts per million of lead and/or more than 50 parts per million of PCB or 1,000 parts per million of halogens

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 227.2 (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 227-1.2 (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 227-1.3

This regulation requires a limitation and compliance monitoring for opacity from a 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 227-1.4 (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 (c) (2)

This regulation requires mid-size boilers (fuel combustion units with a maximum heat input capacity greater than 50 million Btu per hour and equal to or less than 100 million Btu per hour that produce steam or heats water or any other heat transfer medium) to meet the following emission limits (listed in pounds NO_x per million Btu) by May 31, 1985: for Gas fuel - 0.10

for Distillate Oil - 0.12

for Residual Oil - 0.30

Compliance with these emission limits are determined with a 1-hour average in accordance with section 227-2.6(a)(4). If CEMs are used to determine compliance, the requirements of 227-2.6(b) apply, including the use of a 24-hour averaging period.

6 NYCRR 227-2.5 (b)



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The system-wide average shall consist of a weighted average allowable emission rate based upon the weighted average of actual emissions from units that are operating. Excess reductions utilized in the system-wide average may only be counted from the lowest allowable emission rate. Simply put, only those emission reductions achieved beyond the most stringent emission rate, whether that be RACT or any other limit, may be counted.

6 NYCRR 227-2.6

This regulation establishes the compliance testing, monitoring, and reporting requirements for NOx RACT affected stationary combustion installations.

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) NOx Ozone Season Trading Program. This ozone season NOx 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 NOx Ozone Season allowances that is not less than the total tons of NOx emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NOx Ozone Season source that does not surrender enough CAIR NOx Ozone Season allowances to cover their NOx Ozone Season emissions.

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NOx 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) NOx Ozone Season Trading Program explains that an CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

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 the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.



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6 NYCRR 243-8.5 (d)

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

6 NYCRR 243-8.5 (e)

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

6 NYCRR Part 242

This regulation outlines the requirements for the CO₂ budget trading program.

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 231-2

The provisions of Subpart 231-2 apply to new or modified major facilities. The contaminants of concern state-wide are nitrogen oxides and volatile organic compounds since New York State is located in the ozone transport region and because there are ozone non-attainment areas within the state. In addition, particulate matter less than 10 microns in size (PM-10) is a non-attainment contaminant in Manhattan County.

6 NYCRR Subpart 244-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NO_x) Annual Trading Program. The control period for this annual NO_x 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 NO_x allowances that is not less than the total tons of NO_x emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NO_x 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 NO_x 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 NO_x emission monitoring system must be used to measure NO_x emissions. NO_x 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



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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..

Compliance Certification

Summary of monitoring activities at OSWEGO HARBOR POWER:

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

FACILITY	43	record keeping/maintenance procedures
U-00006	64	continuous emission monitoring (cem)
U-00006	65	continuous emission monitoring (cem)
U-00006	66	continuous emission monitoring (cem)
U-00006	67	record keeping/maintenance procedures
U-00010/-/OIL	85	monitoring of process or control device parameters as surrogate
U-00010/-/OIL	88	monitoring of process or control device parameters as surrogate
U-00010/-/OIL	90	record keeping/maintenance procedures
U-00010/-/OIL	91	record keeping/maintenance procedures
U-00010/-/OIL	92	record keeping/maintenance procedures
U-00010	79	record keeping/maintenance procedures
FACILITY	44	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
U-00010	76	monitoring of process or control device parameters as surrogate
U-00010	77	monitoring of process or control device parameters as surrogate
FACILITY	7	record keeping/maintenance procedures
U-00009/-/P91	74	work practice involving specific operations
U-00005	50	continuous emission monitoring (cem)
U-00006	60	continuous emission monitoring (cem)
U-00005	51	record keeping/maintenance procedures
FACILITY	25	record keeping/maintenance procedures
U-00005/-/P53	55	record keeping/maintenance procedures
U-00006/-/P63	68	record keeping/maintenance procedures
U-00005/-/P53	56	monitoring of process or control device parameters as surrogate
U-00006/-/P63	69	monitoring of process or control device parameters as surrogate
U-00009/-/P91	75	intermittent emission testing
U-00010/-/OIL	82	intermittent emission testing
U-00005	52	intermittent emission testing
U-00006	61	intermittent emission testing
FACILITY	26	record keeping/maintenance procedures
U-00009	72	monitoring of process or control device parameters



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U-00010	78	as surrogate monitoring of process or control device parameters as surrogate
U-00005/00005	57	monitoring of process or control device parameters as surrogate
U-00006/00006	70	monitoring of process or control device parameters as surrogate
U-00005/00005	58	record keeping/maintenance procedures
U-00006/00006	71	record keeping/maintenance procedures
U-00010/-/GAS	80	intermittent emission testing
U-00010/-/OIL	81	intermittent emission testing
U-00005	53	record keeping/maintenance procedures
U-00006	62	record keeping/maintenance procedures
U-00009	73	record keeping/maintenance procedures
U-00005	54	record keeping/maintenance procedures
U-00006	63	record keeping/maintenance procedures
FACILITY	96	record keeping/maintenance procedures
FACILITY	39	record keeping/maintenance procedures
FACILITY	42	record keeping/maintenance procedures

Basis for Monitoring

6NYCRR Part 201-7

Emission Unit U-00010 has emission caps of 39 tons per year for both NOx and SO2. these caps were implemented when the unit was installed to avoid applicability to PSD and NSR. Monitoring of emissions is required to ensure the unit's emissions remain under the applicability thresholds.

6NYCRR Part 225-1

Fuel oil used at the facility has a sulfur-in-fuel limitation. Monitoring must be performed to ensure the fuel oil meets the requirement.

6NYCRR Part 225-2

Units 5 and 6 are allowed to burn waste fuel oil generated onsite. Monitoring is required to ensure the quantity limits and waste fuel specifications are met.

6NYCRR Part 227-1

Monitoring is required to ensure opacity and particulate emission limitations are met

6NYCRR Part 227-2

The facility is subject to NOx RACT requirements for combustion sources. Unit 10 is subject to the presumptive RACT limits for mid-sized boilers. The other units are part of a system wide averaging plan with other facilities and units within the established system. Monitoring is required to ensure the NOx RACT provisions are met.



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6NYCRR Parts 242, 243, 244, and 245

The facility is subject to CO₂, NO_x and SO₂ emission allowance and trading programs. Monitoring of emissions is required to ensure compliance with the provisions of these programs.

40 CFR 60 Subpart D and Dc

Units 6 and 10 are subject to NSPS rules for opacity, sulfur in fuel, and particulate emissions. Monitoring is required to ensure compliance with the provisions of these rules.