

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-0603-00021/00030 Modification Number: 1



04/12/2005

Facility Identification Data

Name: DUNKIRK STEAM GENERATING STATION
Address: 106 POINT DR NORTH
DUNKIRK, NY 14048

Owner/Firm

Name: DUNKIRK POWER LLC
Address: 901 MARQUETTE AVE STE 2300
MINNEAPOLIS, MN 55402-3265, USA
Owner Classification: Corporation/Partnership

Permit Contacts

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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

This permit modification was initiated by the New York State Department of Environmental

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Conservation (NYSDEC) to address the August 11, 2003 letter from the United States Environmental Protection Agency's (EPA) Region 2 office, which was in response to a petition submitted by the New York Public Interest Research Group (NYPIRG). On January 11, 2002 NYPIRG petitioned the EPA to object to the issuance of the Dunkirk Steam Generating Station (Dunkirk) Title V permit that was issued on October 31, 2001. The August 11, 2003 EPA letter included a July 31, 2003 EPA Administrator's Order (AO), which granted in part and denied in part the NYPIRG petition. The AO responded to each issue of the petition and directed the Department to reopen the permit to address each issue that the petition was granted. In addition, EPA Region II sent a follow-up letter dated September 4, 2003, which required the Department to address other issues when the permit was reopened. This modification also incorporates requirements from 6NYCRR Parts 237, 238, 204, removes Part 227-3 conditions, and makes other clarifications to the permit.

This permit modification addresses the following issues below. The issues are discussed first in terms of the AO followed by the DEC response.

1. Compliance Schedule. The Administrator ruled that the proposed permit lacked a compliance schedule designed to bring Dunkirk into compliance with opacity requirements and that the Title V permit must include this requirement. Although Dunkirk did submit a compliance schedule and a compliance plan in its permit application, the Dunkirk permit did not include the compliance schedule from the application and there is nothing in the permit record to explain this omission. According to the AO, DEC must either incorporate into the permit a compliance schedule consistent with the requirements of 40 CFR § 70.5(c)(8)(iii) and 6 NYCRR § 201-6.3(d)(9)(iii), or explain in the public notice or statement of basis that a compliance schedule is no longer necessary because the facility is in compliance with the all applicable requirements.

DEC Response - The Department reviewed the compliance schedule in the permit application and determined that its implementation would not correct the opacity problem. The opacity problem has been the subject of an ongoing enforcement action by the Department. In the mean time NYPIRG sued the Department in State Supreme Court for failing to issue all title V permits within the three year time frame required by the Clean Air Compliance Act. The Court ruled in favor of NYPIRG and ordered the Department to take final action on all outstanding Title V permit applications within two years. NRG's Title V permit application was subject to this order. The Department believes the issuance of the NRG permit in 2001 was appropriate in any event. The purpose of the enforcement action was to establish the scope of non-compliance with the opacity requirement and determine what terms and conditions would be necessary to bring the facility into compliance. These issues, particularly, were more appropriately addressed in connection with an enforcement proceeding rather than an administrative permit hearing. Moreover, Title V regulations provide for the reopening of the Title V permit to incorporate the terms of a consent decree or administrative order, which is what is being done in this case. The Title V permit originally described this issue by stating, "There are currently two unresolved enforcement issues against the current owners of the facility. The Department has alleged that smoke emissions from the facility have exceeded and continue to exceed the 20% opacity limit (six -minute average), except for one six minute period per hour of not more than 27 percent opacity, contained in Part 227-1.3 on numerous occasions." This case was resolved in March 2004, when both parties signed a Consent Order. The order included an opacity reduction plan, a monetary penalty for past violations, and a monetary penalty provision for any future violations. The Department believes the opacity reduction plan will substantially address the opacity problem. The final opacity reduction plan is consistent with the requirements of 40

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CFR § 70.5(c)(8)(iii) and 6 NYCRR § 201-6.3(d)(9)(iii) has been incorporated into this revised permit.

2. Annual Compliance Certification. The AO stated when the DEC revises the Dunkirk permit in response to other sections of this Order, DEC should also add language to clarify the requirements relating to annual compliance certification reporting. In its November 16, 2001 letter, the DEC committed to include additional clarifying language regarding the annual compliance certification in draft permits issued on or after January 1, 2002, and in all future renewals so as to preclude any confusion or misunderstanding, such as that argued by the Petitioner.

DEC Response - The standard language used in title V permits has been modified to clarify this issue. The new condition has been incorporated into this permit.

3. Excuse Provision. According to the AO, in its November 16, 2001 letter, DEC committed to remove the "excuse provision" that cites 6 NYCRR § 201-1.4 from the federal side of title V permits and to incorporate the condition into the state side. In accordance with its commitment, DEC must remove the "excuse provision" that cites 6 NYCRR § 201-1.4 from the federal side of the permit. In addition, DEC must include in the permit the provision from its rules that states that violations of a federal regulation may not be excused unless the specific federal regulation provides for an affirmative defense during start-ups, shutdowns, malfunctions or upsets. See 6 NYCRR § 201-6.5(c)(3)(ii).

DEC Response - Consistent with the terms of the November 16th Commitment Letter, DEC has incorporated 6 NYCRR § 201-6.5(c)(3)(ii) into federal side of this permit and moved 6 NYCRR § 201-1.4 to the state side of the permit.

4. Pre-existing Emission Limits. The Petitioner alleges DEC failed to include permit limits established from pre-existing permits that are applicable requirements in the Title V permit. EPA requested that DEC provide the public with an opportunity to comment on the appropriateness of revisions to pre-existing emission limits that have appeared in State operating permits issued by DEC before the current Title V permit, and to provide an explanation either in the public notice or the Permit Review Report, as to why each limitation in a prior permit was revised or deleted.

DEC Response - The Department notes at the outset that many of the so-called emission limitations in operating permits issued pursuant to former 6 NYCRR Part 201 did not emanate from a regulatory requirement but were included in permits to accommodate the data entry rules of DEC's old computer programs. New York does not believe that such "terms" constitute federally enforceable permit conditions nor does the State believe that all conditions contained in old certificates to operate became federally-enforceable merely through the inclusion of Part 201 into the SIP. Nonetheless, the Department has agreed to provide an explanation in this Report of its determinations with respect to these terms and conditions. The Department will identify what the pre-existing permit conditions are and if they constitute applicable requirements where they are currently addressed in the Title V permit.

A.) Particulate Matter Limits. Permits to Construct or Certificates to Operate include particulate matter emission limits for the ash silo and the spray paint booth which were omitted from the Title V permit. The particulate matter limits which are omitted from the Title V permit are: 1) 0.05 grains per standard cubic foot (scf) and 0.76 lbs/yr for the ash silo, and 2) 0.05 grains/scf and 1.50 lbs/yr

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for the spray paint booth. DEC needs to review its records to determine whether these emission limits for PM are applicable to the ash silo and spray paint booth. DEC is ordered to reopen the permit to determine whether the emission limits for the ash silo and the spray paint booth set forth in the PC or the CO are still applicable to these emission sources. If they are, DEC must reinstate the terms and conditions of the Certificates when it reopens the Title V permit. However, if they are no longer applicable, DEC must explain in the Statement of Basis for the draft Title V permit why the emission limits stated in the Certificates no longer apply and provide the public with notice and an opportunity to comment on any proposed changes to the federally enforceable terms of the pre-existing permit. See 6 NYCRR; § 621.6; 201-1.6; and 40 CFR § 70.7(h).

DEC Response - A discussion with EPA confirmed that all references to the ash silo actually pertained to the lime silo at the waste water treatment plant. The Department originally permitted the lime silo for the wastewater treatment plant and the spray paint booth under the former 6 NYCRR § 201. In 1996 the Department revised Part 201 to implement the 1990 Clean Air Act Amendments. Subpart 201-3, which EPA approved as part of the Department's Title V Operating Permit Program, added a number of exempt and trivial process which may be exempt from permitting. The Department determined that both sources qualified as exempt and trivial sources under that regulation. The lime silo vents through a bag filter, and is exempt from permitting pursuant to 6 NYCRR 201-3.2(c)(27), so it was not included in the permit. Likewise, hand held aerosol spray cans are used to paint small metal objects in the maintenance shop and qualify as a trivial source pursuant to 6 NYCRR 201-3.3(c)(45). In accordance with 6 NYCRR 201-3, neither of these activities need be included in the Title V permit. As a practical matter, the particulate emissions from these sources are minute, 1.50 and 0.76 lbs/yr respectively.

B.) Diesel Generator. If DEC concludes that the diesel generator falls within the exemption for emergency generators, DEC must ensure that the 500 hours/year operation limit remains applicable to the unit and the monitoring and reporting requirements of Condition 11 continue to apply to the generator. DEC either must incorporate the hours of operation limit in the title V permit or explain in the Statement of Basis in the draft Title V permit any proposed changes in applicability such as determining that the diesel generator is an exempt emergency generator. DEC must provide the public with notice and an opportunity to comment on the appropriateness of any proposed changes to the federally enforceable terms of the pre-existing permit. See 6 NYCRR § 621.6; 201-1.6; and 40 CFR § 70.7(h). DEC neither included the condition limiting the hours of operation of the generator to 475 hours/year in the Title V permit nor explained the reason for not doing so.

DEC Response - The Title V permit did in fact describe that this generator is exempt from permitting so long as it is operated for less than 500 hours per year. The following statement was included in the original Title V permit and is being repeated here: "The facility maintains an emergency power generating diesel engine for use when the main power supply is unobtainable. The emergency power generator is exempt from permitting so long as it operates less than 500 hours per year, is used strictly for emergency conditions and maintains records according to the requirements of Part 201-3.2(a). See the general condition in the permit under "Proof of Eligibility", Part 201-3.2(a) for record keeping requirements. The Proof of Eligibility citation is addressed in Item I of the permit.

C.) Boiler Emission Limits. The petition listed additional emission limits for the boilers in pounds per year (lbs/yr) for PM, SO₂, and NO_x as missing from Dunkirk's Title V permit. The permit

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record does not provide sufficient information to determine if these lbs/yr limits are applicable requirements that must be carried over to the title V permit. DEC must provide information on these annual limits and explain in the public notice or the new statement of basis whether or not these are applicable requirements for Dunkirk's boilers. If these annual limits are applicable requirements from the pre-existing permits, DEC must incorporate these limits into the title V permit. DEC must also provide the public with notice and an opportunity to comment on the appropriateness of any proposed changes to the federally enforceable terms of the pre-existing permit. See 6 NYCRR § 621.6; 201-1.6; and 40 CFR § 70.7(h).

DEC Response - While these previous permits contained annual "Permissible" emissions for PM, SO₂, and NO_x, these limits were determined by the department not to be enforceable pursuant to the Environmental Conservation Law. Notably, the emission limits were not based on a federal rule or regulation or SIP-approved regulation. Nor were the conditions enforceable as single source SIP revisions. The permit was not subject to public notice and comment with respect to these conditions. Therefore, it is not appropriate to include annual limits for these contaminants in the permit. The Department notes, however, that particulate matter is regulated pursuant to 6 NYCRR Part 227-1 (Stationary Combustion Installations) which is a federal applicable requirement. SO₂ is regulated by the 6 NYCRR Part 225-1 (Sulfur-in-Fuel Limitation), which is a federal applicable requirement, and the State Acid Deposition Reduction SO₂ Budget Program (6NYCRR 238), which is strictly a State program. NO_x is regulated pursuant to 6 NYCRR 227-2 (Reasonably Available Control Technology), a federal applicable requirement, 6 NYCRR Part 204 (Ozone Season NO_x Budget Trading Program), a federal applicable requirement, and 6 NYCRR Part 237 (non-ozone season Acid Deposition Reduction NO_x Budget Trading Program), a State requirement.

5. SO₂ Emission Limits. DEC did not include the 12-month average SO₂ emission limits for the four boilers in the federally enforceable side of Dunkirk's Title V permit. Instead, the 12-month average SO₂ limits for the boilers were set forth in the "State Only" side of the permit. See Permit Condition 61. The SIP-approved rule, 6 NYCRR § 225.1(a)(3), allows an average SO₂ emission rate of 1.9 lbs of Sulfur/mmBtu and a maximum SO₂ emission rate of 2.5 lbs of Sulfur/mmBtu applicable to all four boilers. In Dunkirk's permit, DEC included these emission limits. See Permit Conditions 34 and 35. However, these emission limits from the SIP are different from those in the subsequently-adopted State rule, 6 NYCRR § 225-1.2(a)(2), and incorporated by DEC in the "Special Conditions" of Dunkirk's pre-existing permit restricting SO₂ emissions to an annual average of no more than 1.7 lbs of Sulfur/mmBtu. DEC did not transfer the SO₂ emission limits from the "Special Conditions" of the pre-existing permit to the federally enforceable side of the title V permit. Instead, DEC incorporated the SIP-approved limits (1.9 and 2.5 lbs/mm Btu) in the permit at Conditions 34 and 35. In addition, DEC included the "Special Conditions" limits of the pre-existing permit at Condition 61 on the "State-Only" side of the permit. Since the "Special Conditions" are federally enforceable emission limits from a SIP-approved permit, they must be included in Dunkirk's title V permit.

DEC Response - The 1.7 lb of sulfur/mmBtu annual fuel sulfur limit was left on the state side of the permit because the regulation implementing this limit, 6NYCRR § 225-1.2(d), is not included in the State Implementation Plan. Therefore it is not a federally enforceable emission limitation. Typo's were corrected in conditions 34 and 35, which were renumbered conditions 1-15 and 1-16 respectively.

6. Wastewater Treatment Sludge. The 10 tons per week limit of wastewater treatment sludge (WWTS)

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that can be burned, from the September 25, 1995 "Special Conditions" must be transferred to the Title V permit. DEC may revise this condition to 12 tons per week only after going through the proper permit modification procedures of NYCRR Part 201 including providing the public with notice and an opportunity to comment (condition 38). Alternatively, DEC may incorporate the original limit of 10 tons per week of sludge. EPA grants the petition on this issue; DEC is ordered to either incorporate original condition in the Title V permit or revise the condition after following proper permit modification procedures of NYCRR Part 201.

DEC - Response - The 1997 Title V permit application (Table 1) requests that the 10 ton per week limit be discontinued in the Title V permit. The applicant cites "no underlying requirement for limiting the quantity burned". In order to establish the need for this request the Department visited the facility and reviewed its WWTS burning log. The log showed that the WWTS being burned was approaching the 10 ton limit. The Department determined that a relatively small increase in WWTS burning would not cause a measurable increase in particulate emissions considering the very high collection efficiency of the ESP particulate collectors. It therefore proposed increasing the issued permit limit to 12 tons per week as a Department initiated change. Unfortunately, this explanation was not included in the Permit Description (Statement of Basis). However, the matter was discussed with the facility and the facility can operate within the 10 ton per week limit. Therefore, the permit has been revised to include the 10 ton week year limit as ordered.

7. Electrostatic Precipitator (ESP). Condition 37 fails to include proper operating ranges for each of the ESP parameters, and therefore, fails to provide the means to determine ESP compliance. Should DEC determine that monitoring of the ESP parameters together with the stack testing requirement is an appropriate way for assuring compliance with the PM limit, additional requirements must be incorporated to measure ESP performance. Since the amount of PM that exhausts through the stack is affected by the amount of PM controlled by the ESP, proper operation of the ESP is important in assuring compliance with the PM limit. Improper operation of the ESP increases the amount of uncontrolled PM emissions exhausting through the stacks. Once the proper operating ranges for the ESP parameters are established, ESP performance can easily be monitored. DEC may determine the proper operating ranges for the ESP parameters by recording them during a stack test that shows PM compliance. Dunkirk must maintain the ESP in accordance with manufacturer's instructions as described in Permit Condition 4. With parametric monitoring of the ESP or other alternative additional monitoring strategies that meet the requirements of 40 CFR § 70.6(a)(3), together with the once per permit term emission stack test would be adequate for assuring compliance with the PM emission standards for the Dunkirk boilers. Once the operating ranges have been established for the ESP operating parameters, operating the ESP outside of any of these ranges would constitute a violation of the title V permit. Since parametric monitoring of the ESP helps assure compliance with the PM standards, the proper operating ranges for these parameters must be incorporated into Dunkirk's title V permit. DEC is ordered to establish the proper operating ranges for the ESP operating parameters if it determines that monitoring of the ESP parameters together with the stack testing requirement is an appropriate way for assuring compliance with the PM limit. However, if DEC wishes to impose other alternative monitoring strategies that meet 40 CFR § 70.6(a)(3), it may do so by proposing those provisions for public review when the Dunkirk permit is revised in response to this Order.

DEC Response - The Department initiated the permit requirement for monitoring of the ESP operation twice per shift. The ESP controls and gauges are located in the ESP control rooms which are

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across the plant from the boiler control rooms. Therefore, routine evaluation and recording of ESP parameters was viewed as a necessary component of a particulate emissions periodic monitoring program. On the other hand setting enforceable ESP parameter limits, as proposed by EPA, may not be workable because it does not appear to be possible to correlate only ESP parameters directly to particulate emission rates or emission rate limits. A number of other factors must also be considered and a complex model must be developed to be able to accomplish this. EPA has published a proposed Compliance Assurance Monitoring (CAM) Protocol for such an approach. However, CAM is not an applicable requirement for this permit until the permit comes up for renewal in 2006. Therefore, as an alternative allowed by the AO this permit sets an action level based on the average primary or secondary voltage for each ESP, based on past operating data. If the average ESP voltage drops below the value in the permit, the facility must notify the Department of the suspected problem, and the planned corrective action and completion date. If the minimum voltages can not be reestablished a particulate emission stack test must be completed to determine the compliance status of particulate emissions from that unit. The voltages must be recorded continuously where automated monitoring is available, and multiple times a shift otherwise. The Department believes that implementation of this program, along with annual stack testing for particulates, rather than once per permit term (5 years), meets the requirements of 40 CFR § 70.6(a)(3).

EPA Region II's September 4, 2003 letter addressed the following issues. Again, the EPA's issue and the Department's response follow:

1. Annual Compliance Certification. DEC must include clarifying language regarding the annual compliance certification so that Dunkirk will certify compliance with all terms and conditions of its permit consistent with 6 NYCRR § 201-6.5(e) and 40 CFR § 70.6(c)(5) and (6).

DEC Response - The Department included a new permit condition under the 6 NYCRR § 201-6.5(e) citation.

2. Prompt Reporting. DEC must incorporate the generic prompt reporting requirement into the permit as it has committed in the DEC's November 16, 2002 letter.

DEC Response - The Department included a new permit condition under the 6 NYCRR § 201-6.5(c)(3)(ii) citation.

3. Percent Sulfur in Fuel. Condition 62 which limits the percent sulfur of the distillate fuel oil must be moved from the state side to the federal side of the Dunkirk's permit.

DEC Response - The fuel oil sulfur limit of 1.5% is not a federal applicable requirement. This requirement is contained in a state rule, 6NYCRR Part 225-1.2(d), which is currently not in the SIP. Therefore, there is no regulatory authority to include this limit in the federal side of the permit. However, the SIP does contain a fuel oil sulfur limit of 2.0% which has been added to the federal side of the permit. As a practical matter the state limit of 1.5% is more stringent and as such will be the controlling limit. Distillate oil sold in this area normally would not exceed of 0.5% sulfur.

4. Boiler PM Limit. The permit must specify clearly the PM limit for the boilers in Condition 37 as

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0.17 lb/MMBTU and not direct the permittee to NYCRR Part 227-1.2(a)(4) to find out what the PM limit is.

DEC Response - Condition 37 has been replaced with a similar condition for each emission unit that includes limits for ESP operating parameters as required in the EPA Order. The new conditions do not need to include the PM limit or direct the user to the conditions that set the PM limit because this condition monitors the operation of the ESP. However, since stack testing may be required the particulate limit is included.

5. Data Entry. Data collection frequency under Condition 37.2(3)(e)(I) must be revised to delete item 1 of this condition to eliminate the choice for manual recording over digital data recording. Manual recording should only be allowed if the digital data collection system malfunctions.

DEC Response - The EPS's had analog instruments therefore information was recorded manually. However, the facility has been upgrading the instruments and ESP controls to a digital system, where the EPS's can soon be monitored and controlled from the boiler operator's control room. The conditions that replaced condition 37 states, that when digital data recording it is available it must be used, otherwise manual data recording is acceptable.

Other Permit Modifications:

1) The existing sulfur in solid fuel conditions from citation 6NYCRR 225-1.2(a)(2) were replaced with similar conditions. The limits were not changed. However, item 2 of the text was changed in each condition to correct the 'annual average' phrase to the appropriate 'daily 24 hour average', and '3 month average' phrases for the equivalent sulfur dioxide emission rate.

2) The particulate emission rate conditions for the three boiler stacks were replaced with similar conditions as Ordered by EPA, and to correct the particulate emission limits per 6NYCRR Part 227-1.2(a)(4). As addressed above in the EPA Order, the stack testing frequency was changed from once a permit term, to at least once every 12 months. A paragraph was added to describe how the particulate limit was calculated. The particulate limit for emission units U-00001 and U-00002 was corrected from 0.23 to 0.22 lbs/mmBtu, based on a maximum heat input of 922 mmBtu/hr. The particulate limit for emission unit U-00003 was corrected from 0.17 to 0.16 lbs/mmBtu, based on a maximum heat input of 3672 mmBtu/hr. Emission source S0003 (boiler 3) and emission source S0004 (boiler 4), each rated at 1836 mmBtu/hr, exhaust to the common stack in emission unit U-00003. In addition the due date for the quarterly excess opacity reports was changed from 30 days to 60 days to match the reporting requirement in 6NYCRR 227-1.4(b) of 60 days.

3) The Pre-2003 NOx Budget Program (6NYCRR 227-3) regulation expired and was superceded by the NOx Budget Program (6NYCRR 204, ozone season), therefore the Part 227-3 conditions were expired and Part 204 conditions were added to the permit. Conditions were also added for the Acid Deposition Reduction NOx (6NYCRR 237, non-ozone season) and SO2 (6NYCRR 238) Budget Trading Programs. These programs limit the non-ozone season emissions of NOx and the annual emissions of SO2, based on historical heat inputs and emission rate limits in each regulation. The associated emission allocations are not included in the permit because they change during the term of the permit.

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Attainment Status

DUNKIRK STEAM GENERATING STATION is located in the town of DUNKIRK in the county of CHAUTAUQUA.

The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

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

Dunkirk Steam Station consists of 4 pulverized coal, dry-bottom, tangential-fired boilers. In addition to coal, each unit can also fire distillate oil (primarily used for start-ups and flame stabilization), waste fuel A, wastewater treatment sludge, boiler cleaning solutions, and a coal/sand mixture from the bivalve gravity filter at the wastewater treatment plant.

Capacity: Boilers 1 and 2 each have individual stacks and have maximum heat input capacities of 922.2 mm Btu/hr each. Boilers 3 and 4 share a common stack (i.e., emission point) and have a combined heat input capacity of 3,672 mm Btu/hr. Each boiler has a heat input capacity of 1,836 mm Btu/hr.

Controls: Each boiler is exhausted through an electrostatic precipitator (ESP) for control of particulate matter (note: boilers 1, 2, 3, and 4 have unique ESPs). Units 1 and 2 have low NOx concentric firing systems with close-coupled overfire air to control NOx. Units 3 and 4 have low NOx concentric firing systems with separated overfire air.

Permit Structure and Description of Operations

The Title V permit for DUNKIRK STEAM GENERATING STATION is structured in terms of the following hierarchy: facility, emission unit,



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emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device.

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

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

DUNKIRK STEAM GENERATING STATION is defined by the following emission unit(s):

Emission unit U00001 - A nominal 922.2 MMBtu/hr steam boiler (boiler 1) and steam turbine-generator set that generate up to 100 megawatts of electricity. The boiler primarily fires coal as described in process P12 and P13, however, distillate oil is used to bring the boiler up to temperature during start up and other conditions when necessary, as described in P11. Limited small amounts of waste materials/fuels are burned in the boiler during coal firing as described in the process descriptions for P12 and P13. Emission Unit 1 consists of emission point 00001 (the stack), emission source S0001 (boiler 1), and emission source S001C (electrostatic precipitator).

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

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

Process: P11 is located at Building Main Plant - The burning of distillate oil in boiler 1 during startup and other conditions when necessary. Boiler 1 is normally coal fired.

Process: P12 is located at Building Main Plant - The burning of coal in boiler 1 to generate electricity from the steam turbine - generator set. This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Process: P13 is located at Building Main Plant - Boiler 1 being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission unit U00002 - A nominal 922.2 MMBtu/hr steam boiler (boiler 2) and steam turbine generator set that generate up to 100 megawatts of electricity. The boiler primarily fires coal as described in process P22 and P23, however, distillate oil is used to bring the boiler up to temperature during start

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up and other conditions when necessary, as described in P21. Limited small amounts of waste materials/fuels are burned in the boiler during coal firing as described in the process descriptions for P22 and P23. Emission Unit 2 consists of emission point 00002 (the stack), emission source S0002 (boiler 2), and emission source S002C (electrostatic precipitator).

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

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

Process: P21 is located at Building Main Plant - The burning of distillate oil in boiler 2 during startup and other conditions when necessary. Boiler 2 is normally coal fired.

Process: P22 is located at Building Main Plant - The burning of coal in boiler 2 to generate electricity from the steam turbine - generator set. This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Process: P23 is located at Building Main Plant - Boiler 2 being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission unit U00003 - Two (2) nominal 1,836 MMBtu/hr steam boilers (boiler 3 and 4) and steam turbine-generator sets which generate up to 200 megawatts of electricity each - 400 in total. The boilers primarily fire coal as described in process P32 and P33, however, distillate oil is used to bring the boilers up to temperature during start up, and other conditions when necessary, as described in P31. Limited small amounts of waste materials/fuels are burned in the boilers during coal firing as described in the process descriptions for P32 and P33. Emission Unit 3 consists of emission point 00003 (the stack), emission source S0003 (boiler 3), emission source S003C (electrostatic precipitator for boiler 3), emission source S0004 (boiler 4) and emission source S004C (electrostatic precipitator for boiler 4).

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

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

Process: P31 is located at Building Main Plant - The burning of distillate oil in boilers 3 and/or 4 during startup and other conditions when necessary. Boilers 3 and 4 are normally coal fired.

Process: P32 is located at Building Main Plant - The burning of coal in boilers 3 and/or 4 to generate electricity from the steam turbine - generator sets. This process also allows co-firing of distillate oil and limited amounts of wastewater treatment plant sludge, boiler cleaning chemicals and coal/sand mixture generated by the wastewater treatment plant bivalve gravity filter.

Process: P33 is located at Building Main Plant - Boiler 3 and/or 4 being fired under normal coal fired conditions to generate electricity, however, waste fuel A is also being fired.

Emission unit U00004 - Emission unit U-00004 consists of coal storage piles and associated coal handling equipment. The emission unit consists of four processes: P04 - rail car unloading and the stackout conveyor; P05 - marine vessel unloading; P06 - truck unloading; and P07 - the coal storage pile. Fugitive particulate matter is the only emission from these processes.

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

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

Process: P04 is located at Building Coal Yard - Coal that arrives at the station by rail car, is unloaded by turning the cars upside down. The coal is collected into two hoppers. Apron feeders take coal from the hoppers to conveyor #1, which deposits coal on conveyor #2. Conveyor #2 deposits coal onto the

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stackout conveyor to the pile.

Process: P05 is located at Building Coal Yard - Coal that arrives by marine vessel is unloaded directly onto the coal pile. Coal unloading is the only emission source (S0008) associated with process P05.

Process: P06 is located at Building Coal Yard - Coal that arrives by truck can be dumped in one of several places. This dumping operation is the only emission source (S0009) associated with process P06.

Process: P07 is located at Building Coal Yard - This process includes the entrainment of coal dust in the air off the coal pile. Additionally, bulldozers are used to load coal out of the piles and dump it into a reclaim hopper and otherwise work the pile. There are two sources associated with this process: S0010, the coal pile itself; and S0011, transporting coal with bulldozers.

Title V/Major Source Status

DUNKIRK STEAM GENERATING STATION is subject to Title V requirements. This determination is based on the following information:

The Dunkirk Steam Generating Station is considered a major source and subject to the Title V permitting program because it has the potential to emit nitrogen oxides, sulfur dioxides, carbon monoxide, particulate matter, and particulate matter less than 10 microns in diameter above the major source applicability limit of 100 tons per year (tpy). Dunkirk has the potential to emit volatile organic compounds above the major source applicability limit of 50 tpy. Dunkirk also has the potential to emit total hazardous air pollutants and individual hazardous air pollutants (hydrogen chloride and hydrogen fluoride) above the major source applicability limits of 25 tpy and 10 tpy, respectively.

Program Applicability

The following chart summarizes the applicability of DUNKIRK STEAM GENERATING STATION 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

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RACT	YES
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SIP	YES
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NOTES:

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

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

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

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

NSPS New Source Performance Standards (40 CFR 60) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subparts A thru G) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in equipment 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

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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 out of compliance with specific requirements (see attached compliance schedule)

Compliance Schedule:

Location	Short Description	Regulation
Facility/EU/EP/Process/ES FACILITY	Smoke Emission Limitations.	6NYCRR 227-1.3(a)

Compliance Discussion:

DUNKIRK STEAM GENERATING STATION is in violations of the following requirement(s): The Dunkirk Steam Station signed a consent order to settle past opacity violations, in March 2004. 6NYCRR Part 227-1 limits the 6-minute average opacity to less than 20%, except for one 6-minute average per hour of no more than 27%. If these opacity limits were exceeded, then the facility was not in compliance with the above limits. The final Order on Consent includes as Appendix A, a Schedule of Compliance - Opacity Reduction Program. The Program reiterates Part 227-1 continuous opacity monitoring system monitoring and recording requirements. It also requires the facility implement Opacity Incident Reports (OIR) to document operating parameters of the boilers and ESP's, and the corrective action associated with an excess opacity event. A Root Cause Analysis and Corrective Action report must be submitted annually to identify problems and how they will be corrected. Quarterly Corrective Action plan progress reports are due.

The Department has also alleged that the facility made modifications which were subject to 40 CFR 52.21, Prevention of Significant Deterioration (PSD), without first making proper permit applications and being issued the appropriate permits. The PSD Notice of Violation (NOV) identified projects which appear to have exceeded the PSD emission applicability thresholds. Sources subject to PSD must install Best Available Control Technology (BACT) for each pollutant subject to regulation. Sources subject to PSD are also required to undertake modeling and source impact for the modification. This case has been referred to the Attorney General of the State of New York for enforcement. The permit may be modified to include any compliance schedules developed when the PSD enforcement activities are finalized.

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



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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	Description
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
1-01-013-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - LIQUID WASTE Specify Waste Material in Comments
3-05-103-03	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS OPEN STOCKPILES Coal
3-05-104-03	MINERAL PRODUCTS MINERAL PRODUCTS - BULK MATERIALS UNLOADING OPERATION Coal

Facility Emissions Summary

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

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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-D IOXIN (HAP)		> 0 but < 10 tpy
007440-38-2	ARSENIC (HAP)		> 0 but < 10 tpy
007440-43-9	CADMIUM (HAP)		> 0 but < 10 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy
007440-47-3	CHROMIUM (HAP)		> 0 but < 10 tpy
0NY100-00-0	HAP		>= 250 tpy
007647-01-0	HYDROGEN CHLORIDE (HAP)		>= 10 tpy
007664-39-3	HYDROGEN FLUORIDE (HAP)		>= 10 tpy
007439-92-1	LEAD (HAP)		> 0 but < 10 tpy
007439-97-6	MERCURY (HAP)		> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy
0NY075-00-5	PM-10		>= 250 tpy
001336-36-3	POLYCHLORINATED BIPHENYL (HAP)		> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy
0NY998-00-0	VOC		>= 50 tpy but < 100 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Sealing - 6NYCRR Part 200.5

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation. Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

No person shall operate any air contamination source sealed by the Commissioner in accordance with this section unless a modification has been made which enables such source to comply with all requirements applicable to such modification.

Unless authorized by the Commissioner, no person shall remove or alter any seal affixed to any contamination source in accordance with this section.

Item B: Acceptable Ambient Air Quality - 6NYCRR Part 200.6

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Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

Item C: Maintenance of Equipment - 6NYCRR Part 200.7

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

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

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

(a) The owner and/or operator must apply for a permit for such emission source or register the facility in accordance with the provisions of Part 201.

(b) The emission source or facility is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing sources or facilities.

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

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

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

(1) An emergency occurred and that the facility owner and/or operator

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

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

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

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

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

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

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

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all

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required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

Item J: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR Part 201-3.3(a)

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

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

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

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

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

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

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

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

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

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

Item O: Providing Information Upon Request - 6 NYCRR Part 201-6.5(a)(4)

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

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

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

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

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

Item R: Fees - 6 NYCRR Part 201-6.5(a)(7)

The owner and/or operator of a stationary source shall pay fees to the department consistent with the fee schedule authorized by 6 NYCRR Subpart 482-2.

Item S: Right to Inspect - 6 NYCRR Part 201-6.5(a)(8)

Upon presentation of credentials and other documents, as may be required by law, the permittee shall allow the Department or an authorized representative to perform the following:

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- i. Enter upon the permittee's premises where the permitted facility is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- ii. Have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- iii. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit; and
- iv. As authorized by the Act, sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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

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

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

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

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

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

No permit revision will be required for operating changes that contravene an express permit term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and

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conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provisions of Title I of the Act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the Administrator and the Department with written notification in advance of the proposed changes within a minimum of 7 days as required by 6 NYCRR §201-6.5(f)(6).

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

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

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

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

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

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

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are specified in 6NYCRR Part 202-1.

Item Z: Visible Emissions Limited - 6 NYCRR Part 211.3

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

Item AA: Open Fires - 6 NYCRR Part 215

No person shall burn, cause, suffer, allow or permit the burning in an open fire of garbage, rubbish for salvage, or rubbish generated by industrial or commercial activities.

Item BB: 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 CC: 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

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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	Short Description	Condition
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U-00004	40CFR 60-Y	Standards of Performance for Coal Preparation Plants	57
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FACILITY	6NYCRR 200.1	Definitions.	1
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FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	25, 50, 51
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FACILITY	6NYCRR 204-1.6	Standard Requirements	1-5
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FACILITY	6NYCRR 204-8.1	General Requirements	1-8
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U-00004	6NYCRR 212.6(a)	General Process Emission Sources - opacity of emissions limited	56
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Applicability Discussion:

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

ECL 19-301.

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

6NYCRR Part 201-1.4

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

6NYCRR Part 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with 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.

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6NYCRR Part 201-6.5(c)

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

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

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

6NYCRR Part 201-6.5(e)

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

6NYCRR Part 202-2.1

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

6NYCRR Part 202-2.5

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

6NYCRR Part 211-.2

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

40 CFR Part 68.

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

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Facility Specific Requirements

In addition to Title V, DUNKIRK STEAM GENERATING STATION has been determined to be subject to the following regulations:

40CFR 60-Y

This New Source Performance Standard (NSPS) sets limits on the opacity from coal handling operations installed or modified after October 24, 1974. Dunkirk installed coal handling equipment after this date. The 6-minute opacity average may not exceed 20%.

40CFR 72-A.6 (a) (1)

This section references a table containing the list of utilities affected by Phase I of Title IV of the Clean Air Act.

6NYCRR 200 .1

This section contains a definition of terms referred to throughout New York's entire codes, rules and regulations.

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

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

6NYCRR 204-1.6

This condition requires the designated representative of the permittee to make submissions for the NOx Budget Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor, during the ozone season which is from May 1 through September 30.

6NYCRR 204-4.1

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

6NYCRR 204-7.1

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

6NYCRR 204-8.1

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

6NYCRR 204-8.2

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

6NYCRR 204-8.3

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

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6NYCRR 204-8.4

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

6NYCRR 204-8.5

This regulation identifies the recordkeeping and reporting requirements for the NOx Budget Program.

6NYCRR 204-8.7

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

6NYCRR 212.6 (a)

This rule specifies an opacity limitation of less than 20% for any six consecutive minute period for all process emission sources.

6NYCRR 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.

Fuel Oil - There are two sulfur in fuel oil limit's. The 2.0% sulfur by weight limit that is in the state implementation plan (SIP), 6NYCRR 225-1.2(c) - Table 2, is on the federal side of the permit, and the 1.5% by weight limit that is not in the SIP, 6NYCRR 225-1.2(d) - Table 3, is on the state side of the permit.

Coal - There are three sulfur in coal limit's. The short term 2.5 lb/mmBtu sulfur limit and the three month rolling average limit of 1.9 lb/mmBtu are both in the state implementation plan (SIP), 6NYCRR 225-1.2(c) - Table 2, and are on the federal side of the permit. The annual rolling average limit of 1.7 pounds/mmBtu limit is not in the SIP, 6NYCRR 225-1.2(d) - Table 3, so it is on the state side of the permit.

6NYCRR 225-2.3 (b) (1)

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

6NYCRR 227-1.2 (a) (4)

1.) 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). Table 1, footnote b from 6NYCRR 227-1.2(b), and the total heat input to each stack was used to calculate the emission limits.

2.) An existing condition under this citation was replaced with similar conditions for each emission unit that require the station to periodically monitor the operating parameters of the electrostatic precipitators (ESP), to evaluate if the ESPs are operating properly. An evaluation of these parameters are used to

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provide a level of confidence that the stack emissions are below the particulate limit of 6NYCRR Part 227-1.2(a)(4).

3.) A permit condition under this citation limits the quantity of non-hazardous wastewater treatment plant sludge, coal/sand mixtures from the bivalve gravity filter at the wastewater treatment plant, and boiler cleaning chemical wastes generated on site. No more than 10 tons per week of wastewater treatment plant sludge and coal/sand mixtures from the bivalve gravity filter can be placed on the coal pile for disposal. This limit was changed from 12 tons per week to 10 tons per week in this permit modification (MOD 1) to match the September 25, 1995 "Special Conditions," and as Ordered by EPA

6NYCRR 227-1.2 (b)

This regulation states that if two or more simultaneously operated furnaces exhaust through a common stack, the total heat input to the stack must be used to calculate the particulate limit for it

6NYCRR 227-1.3 (a)

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

The Department has taken enforcement action against this facility for periods of excess opacity. A Order on Consent was signed in March 2004 to settle past opacity violations. Appendix A, 'Schedule of Compliance,' from the Order on Consent has been incorporated into this permit as Ordered by EPA.

6NYCRR 227-1.4 (a)

This regulation requires the proper installation, operation, and maintenance of equipment to continuously monitor and record opacity and either percent oxygen or carbon dioxide in the flue gases all the time the combustion installation is in service. This citation (6NYCRR 227-1.4(a)) has not been approved by EPA and is not in the New York State State Implementation Plan.

6NYCRR 227-1.4 (b)

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

6NYCRR 227-2.4 (a)

This condition lists the nitrogen oxide emission limitations for very large boilers (> 250 mmBtu/hr).

6NYCRR 227-2.5 (b)

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, if there is a more stringent emission limit than RACT already in place on the unit, then excess reductions may only be counted from below that emission rate.

6NYCRR 237-1.6 (c)

This subdivision outlines the standard requirements of the Acid Deposition Reduction NO_x Budget Trading Program for oxides of nitrogen, during the non-ozone season which is from October 1 through April 30.

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6NYCRR 237-1.6 (e)

This requires the owners and operators of the NOx budget source and each NOx budget unit at the source to keep pertinent documents at the site for a period of 5 years; and lists which documents are pertinent.

6NYCRR 237-2

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

6NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6NYCRR 237-7.1

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

6NYCRR 237-8

This item requires the owners and operators of a NOx budget unit to comply with the monitoring and reporting requirements of NYCRR 237-8 and Subpart H of 40 CFR part 75; and allows NOx budget units which are also NOx budget units under NYCRR Part 204 to be summarily referenced in order to demonstrate compliance with the requirements of this item.

6NYCRR 238-1.6 (c)

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

6NYCRR 238-1.6 (e)

This item requires the owners and operators of the SO2 budget source to keep on site at the source pertinent documents for a period of 5 years from the date the document is created.

6NYCRR 238-2.1

This section outlines the authorization and responsibilities of the SO2 authorized account representative.

6NYCRR 238-4.1

This section lists all of the requirements for the submission of the compliance certification report.

6NYCRR 238-7.1

This section outlines the requirements for the submission of SO2 allowance transfers.

6NYCRR 238-8

This item requires the owners and operators of a SO2 budget unit to comply with the monitoring and reporting requirements of Subpart H of 40 CFR part 75.

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Compliance Certification

Summary of monitoring activities at DUNKIRK STEAM GENERATING STATION:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
U-00004	monitoring of process or control device parameters as surrogate	57
FACILITY	record keeping/maintenance procedures	1-3
FACILITY	record keeping/maintenance procedures	1-4
FACILITY	record keeping/maintenance procedures	30
FACILITY	record keeping/maintenance procedures	1-5
FACILITY	record keeping/maintenance procedures	1-6
FACILITY	record keeping/maintenance procedures	1-11
FACILITY	record keeping/maintenance procedures	1-12
FACILITY	record keeping/maintenance procedures	1-13
U-00004	record keeping/maintenance procedures	64
U-00004	monitoring of process or control device parameters as surrogate	56
FACILITY	work practice involving specific operations	1-14
FACILITY	work practice involving specific operations	1-15
FACILITY	work practice involving specific operations	1-16
FACILITY	work practice involving specific operations	1-31
FACILITY	work practice involving specific operations	61
FACILITY	work practice involving specific operations	36
FACILITY	monitoring of process or control device parameters as surrogate	1-17
U-00001	intermittent emission testing	1-23
U-00001	monitoring of process or control device parameters as surrogate	1-24
U-00002	intermittent emission testing	1-25
U-00002	monitoring of process or control device parameters as surrogate	1-26
U-00003	intermittent emission testing	1-27
U-00003	monitoring of process or control device parameters as surrogate	1-28
FACILITY	monitoring of process or control device parameters as surrogate	1-18
FACILITY	record keeping/maintenance procedures	1-19
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FACILITY	monitoring of process or control device parameters as surrogate	41
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FACILITY

record keeping/maintenance procedures

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Basis for Monitoring

Basis for Monitoring @ Dunkirk Steam Generating Station (MOD 1):

1. Permit conditions that list 6NYCRR Part 204 (NOx Budget Trading Program) or one of its subparts as the applicable requirement, limit emissions of oxides of nitrogen (NOx) from this facility during the ozone season, which is between May 1 and September 30. A NOx continuous emission monitoring system (CEMS) that is certified according to 40 CFR Part 75 (Acid Rain Emission Monitoring) is used to monitor and calculate emissions. The monitoring procedures are prescribed by the regulation. This regulation superceeds 6NYCRR 227-3 in MOD 0.
2. The permit condition cited under 6NYCRR 227-1 (Stationary Combustion Installations) and limits the quantity of wastewater treatment plant sludge to 12 tons per week was changed to 10 tons per week, as ordered by EPA and to match the limit in a previous special conditions letter. The monitoring and recordkeeping requirements did not change. This limit should minimize the chance of excess particulate emissions.
3. The permit condition cited under 6NYCRR 227-1 (Stationary Combustion Installations) and requires the monitoring of ESP parameters was modified to identify an acceptable range of a parameter monitored, as Ordered by EPA. When the parameter are within the acceptable range, it indicates the ESP is operating satisfactorily and particulate emissions should be in compliance.
4. An Opacity Reduction Program was added to the permit, as Ordered by EPA, and is cited under 6NYCRR 227-1 (Stationary Combustion Installations). The Program reiterates Part 227-1 continuous opacity monitoring system monitoring and recording requirements. It also requires the facility keep Opacity Incident Reports (OIR) to document operating parameters and the corrective action associated with an excess opacity event. A Root Cause Analysis and Corrective Action report must be submitted annually to identify problems and how they will be corrected.

Basis for Monitoring @ Dunkirk Steam Generating Station (MOD 0):

1. The majority of the permit conditions at the facility level, based on citations from 6 NYCRR Parts 200, 201, 202, 211, 215 and 217, are conditions that are in every Title V (five) permit. These conditions generally reiterate rules that apply to most facilities more so than require the facility to monitor or take actions.
2. Permit conditions that list 6NYCRR Part 225-1 (Fuel Composition and Use - Sulfur Limitations) as the applicable requirement, limit the sulfur content of the fuel (distillate oil and coal) combusted at the facility. Each oil delivery is analyzed for it's sulfur content and the results are stored on site. Any exceedance of the sulfur in oil limit is reported in the quarterly reports along with the corrective action. The sulfur content of the solid fuel (coal)is monitored by measuring the SO2 in the exhaust gas of each stack with SO2 CEMS. Any exceedance of the equivalent SO2 limit is reported in the quarterly reports along with the corrective action. The frequent compliance
3. Permit conditions that list 6NYCRR Part 225-2 (Fuel Composition and Use - Waste Fuel) as the applicable requirement, limit the contaminates in the waste fuel. The facility is limited to firing 'waste

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fuel A', which consists of lubricating oils recovered on site. The facility is required to analyze waste fuel A prior to the initial burn subsequent to the issuance of this permit. Since the fuel source is consistent a once per permit analysis is satisfactory.

4. Permit conditions that list 6NYCRR 227-1 (Stationary Combustion Installations) as the applicable requirement, limits the particulate and opacity emissions.

a. At the emission unit level the facility is required to conduct a particulate emission rate stack test for each boiler.

b. On a more frequent basis, the facility is required to monitor the operation and maintenance of the particulate control equipment, electrostatic precipitators. The monitoring should identify problems promptly, so corrective actions can be taken in a timely manner. These requirements should minimize the chance of excess particulate emissions.

c. A separate condition limits the quantity of nonhazardous wastes generated from the wastewater treatment plant (WWTP) and boiler tube cleanings that can be burned or evaporated in the boilers. By testing these material to verify they are nonhazardous, and limiting the quantity of solids, the chance of excess particulate emissions is minimized.

d. Opacity emissions are monitored continuously by continuous opacity monitors (COMS) in each stack. Excess opacity, along with the reason for the excess opacity and the associated corrective action, and COMS downtime are reported quarterly as prescribed by the regulation.

5. Permit conditions that list 6NYCRR 227-2 (Reasonably Available Control Technology (RACT) for Oxides of Nitrogen (NO_x)) as the applicable requirement, limit the emissions of NO_x in lb/mmBtu. The emissions are monitored with a NO_x CEMS in each stack. Compliance is determined using a Department approved 'system-wide averaging plan.' The recordkeeping and monitoring requirements are prescribed by the regulation.

6. Permit conditions that list 6NYCRR 227-3 (Pre-2003 Nitrogen Oxides Emission Budget and Allowance Program) as the applicable requirement, limit the NO_x emission during the ozone season, between May 1 and September 30. The emissions are monitored and recorded for each boiler with NO_x CEMS, as prescribed in the regulation.

7. The emission unit U-00004 permit conditions that list 6NYCRR 212 (General Process Emission Sources) and 6NYCRR 60 subpart Y (New Source Performance Standards for Coal Preparation Plants), as the applicable requirements, limit the opacity from the coal handling operations. Once a day opacity observations are made while the coal handling system is operating, and the results are recorded in a log. If excess opacity is observed using EPA Method 9 (Visible Determination of the Opacity from Emission from Stationary Sources), corrective actions must be taken to reduce opacity, and EPA Method 9 observations must be taken after the correction to verify the problem was in deed corrected satisfactory.