

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

Facility Identification Data

Name: BLACK ROCK FACILITY
Address: 620 MILITARY ROAD
BUFFALO, NY 14217

Owner/Firm

Name: HORIZON POWER INC
Address: 6363 MAIN ST
BUFFALO, NY 14221-5881, 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

The Black Rock Facility will generate electricity using a stationary gas turbine, heat recovery steam generator (HRSG) with duct burner, and steam generator. The electric power will be sold via the

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



regional power grid. The design output for the plant is 62 megawatts (nominal).

The stationary combustion turbine is permitted to operate at base load (100% power output), at part loads (between 80% and 100% of full load capacity) and fire natural gas only. The turbine is equipped with a dry low-NOx combustion system to control NOx emissions. Rated heat input of the combustion turbine is approximately 464 million Btus per hour (mmBtu/hr) at 47.7 degrees Fahrenheit inlet air temperature. Exhaust gases from the combustion turbine are passed through a Deltak HRSG with supplemental firing of a natural gas fueled duct burner, producing high and intermediate pressure steam to be utilized by the steam turbine for generating electricity.

To verify compliance with CAPs on oxides of nitrogen (NOx) and carbon monoxide (CO) emissions, the Black Rock Facility is required to monitor NOx, CO, and oxygen (O2) levels in the exhaust gas at emission point CTG01 with a continuous emissions monitoring system (CEMS). Since the gas turbine/duct burner is subject to the Acid Rain and NOx Budget Programs, 40CFR75 monitoring of NOx, sulfur dioxide (SO2), carbon dioxide (CO2) and volumetric flowrate is required. SO2 emissions will be monitored via fuel flow and fuel sulfur content reconciliation. NOx concentrations in the exhaust gas will be determined using a Rosemount Analytical Model 951A/LT NO/NOx chemiluminescent analyzer. CO concentrations will be determined using a Siemens Ultramat 5E nondispersive infrared analyzer. Diluent gas O2 will be monitored, in lieu of CO2, under provisions allowed within the Acid Rain program. O2 concentrations will be determined using a Siemens Oxymat 5E paramagnetic analyzer with a full scale range of 25 percent. Emission concentrations will be monitored using an Allen-Bradley SLC503 Programmable Logic Controller, which is linked to a PC for data acquisition, storage and reporting. Fuel flow will be monitored using Hoffer Ho series turbine flow meters (measured fuel flow, which is pressure and temperature compensated, is displayed and totalized on the CEMS) and natural gas sulfur content will be determined from data contained within monthly natural gas sampling reports.

Attainment Status

BLACK ROCK FACILITY is located in the town of BUFFALO in the county of ERIE. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter < 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NO_x) which are ozone precursors.

** NO_x has a separate ambient air quality standard in addition to being an ozone precursor

Facility Description

The Black Rock Facility, owned and operated by Horizon Power, Inc., is a merchant power plant consisting of a single General Electric Frame 6 Model PG 6541B combustion turbine/electric generator set. Exhaust gases from the combustion turbine are passed through a Deltak HRSG, which is equipped with a 175 mmBtu/hr duct burner for supplemental firing to produce high and intermediate pressure steam to be utilized by the steam turbine to generate electricity. Total facility electrical output is 62 MW (nominal).

Additional stationary combustion sources include is a Detroit Diesel diesel-fired internal combustion engine used in the start-up of the combustion turbine and to spin the turbine during off-line washes and an emergency engine used to supply compressed air. Activities at the facility, exempt from Part 201 permitting, include a 3-cell mechanical draft wet cooling tower, a 3,400 gallon 93% sulfuric acid (H₂SO₄) tank, a 3,400 gallon NaOH tank, a 750 gallon sulfuric acid tank, a 300 gallon diesel tank, a 300 gallon waste oil tank, a 500 gallon underground waste oil tank, and a lube oil reservoir serving the steam turbine.

This facility was originally permitted/constructed during the early 1990's as a cogeneration facility that supplied steam to the American Brass Plant (currently Outokumpu American Brass Buffalo Plant). The cogeneration facility was shut down during the late 1990's. Since the facility is being re-powered as a merchant power plant, steam will not be sold to the Outokumpu American Brass Buffalo Plant.

Permit Structure and Description of Operations

The Title V permit for BLACK ROCK FACILITY

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process.

A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



types:

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

BLACK ROCK FACILITY is defined by the following emission unit(s):

Emission unit 1COMPR - This emission unit (EU) consists of one source, COMP1, which is a Gardner Denver diesel fired internal combustion engine (ICE), with a maximum energy output of 44 brake horsepower (bhp) (0.31 MMBTU/hr). This ICE will be used to operate an air compressor when compressed air from the turbine is unavailable or when power is not available to operate the backup electric air compressor. Even though this emission source is considered an exempt activity under 6NYCRR201-3.2(c)(3)(ii), this emission unit was created because NOx and CO emissions from this ICE must be included in the determination of Black Rock Facility's compliance with the facility-wide NOx and CO emission limits of 99.0 tons per year (tpy), each. The potential to emit (PTE) NOx from EU 1-COMPR is approximately 6 tpy. The PTE CO from EU 1-COMPR is approximately 1.3 tpy.

Emission unit 1COMPR is associated with the following emission points (EP):

COMPR

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

Process: CE1 is located at GROUND, Building CTG - Process CE1 represents the operation of the Gardner Denver internal combustion engine with distillate oil.

Emission unit 1GASTR - Emission unit 1GASTR represents two emission sources, TB001, a single General Electric Frame 6 Model 6541B combustion turbine rated at 464 MMBTU per hour (@ 47 degree F inlet air temperature) and DB001, a 175 MMBTU per hour Deltak supplementary fired heat recovery steam generator (HRSG) duct burner. The NOx emissions from TB001 are controlled by emission source control DLN01, a dry low NOx burner. The NOx and CO emissions from this emission unit will be calculated to determine compliance with the facility-wide caps on NOx and CO of 99.0 tons per year (tpy), each. The potential to emit (PTE) NOx from 1-GASTR is approximately 275 tpy. The PTE CO from 1-GASTR is approximately 119 tpy.

Emission unit 1GASTR is associated with the following emission points (EP):

CTG01

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

Process: DB1 is located at GROUND, Building CTG - Process DB1 represents exclusive firing of the duct burner using natural gas. The quantity per hour throughput of 0.1716 million cubic feet gas represents maximum firing of the duct burner on natural gas with a higher heating value of 1020 BTU/cubic foot.

Process: TB1 is located at GROUND, Building CTG - Process TB1 represents the GE Frame 6 combustion turbine and Deltak duct burner both on-line and both firing natural gas. The quantity per hour throughput of 0.6269 million cubic feet gas represents maximum firing of both units firing natural gas with a higher heating value of 1020 BTU/cubic foot.

Process: TB2 is located at GROUND, Building CTG - Process TB2 represents the GE Frame 6 combustion turbine on-line and firing natural gas and the Deltak duct burner off-line. The quantity per hour throughput of 0.4553 million cubic feet gas represents maximum firing of the combustion turbine on natural gas with a higher heating value of 1020 BTU/cubic foot.

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



Emission unit 1STENG - Emission unit 1STENG consists of one source, STENG , which is a Detroit Diesel diesel-fired internal combustion engine used to spin the combustion turbine to support start-up of the turbine, a process that takes approximately 15-minutes. Emission Source STENG is also used to spin the turbine during periods of off-line washing. The rated capacity of the start-up engine is 600 brake horsepower (bhp). The NOx and CO emissions from this emission unit will be calculated to determine compliance with the facility-wide caps on NOx and CO of 99.0 tons per year (tpy), each. The potential to emit (PTE) NOx from 1-STENG is approximately 87 tpy. The PTE CO fom 1-STENG is approximately 18.7 tpy.

Emission unit 1STENG is associated with the following emission points (EP):

ENG01

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

Process: ST1 is located at GROUND, Building CTG - Process ST1 represents operation of the Detroit Diesel internal combustion engine with distillate fuel oil. The quantity per hour throughput of 32 gallons per hour represents maximum firing of the engine on distillate oil with a higher heating value of 140000 btu per gallon.

Title V/Major Source Status

BLACK ROCK FACILITY is subject to Title V requirements. This determination is based on the following information:

The facility is subject to the provisions of Title V since it operates an affected source subject to the Acid Rain regulations. The facility-wide emissions for oxides of nitrogen (NOx) and carbon monoxide (CO) at the Black Rock Facility exceed the major source pollutant thresholds (100 tpy each) listed in 6NYCRR Subpart 231-2, New Source Review in NonAttainment Areas and 6NYCRR227-2, Reasonably Available Control Technology (RACT) for Oxides of Nitrogen for NOx and 40CFR52.21, Prevention of significant deterioration of air quality (PSD) for CO. To avoid those requirements, Horizon Power has chosen to limit facility-wide NOx and CO emissions below the major source threshold at 99 tons per year, each.

Program Applicability

The following chart summarizes the applicability of BLACK ROCK FACILITY with regards to the principal air pollution regulatory programs:

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

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



Permit ID: 9-1402-00643/00019

02/03/2005

NSPS	YES
TITLE IV	YES
TITLE V	YES
TITLE VI	NO
RACT	NO
SIP	YES

NOTES:

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

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

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

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

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

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

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

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



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

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

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

Compliance Status

Facility is in compliance with all requirements

SIC Codes

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

SIC Code	Description
4911	ELECTRIC SERVICES

SCC Codes

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

SCC Code	Description
1-02-006-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Over 100 MBtu/Hr
2-02-001-02	INTERNAL COMBUSTION ENGINES - INDUSTRIAL

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



Permit ID: 9-1402-00643/00019

02/03/2005

INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE
OIL (DIESEL)
Reciprocating
2-02-002-01 INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL
GAS
Turbine
2-02-002-03 INTERNAL COMBUSTION ENGINES - INDUSTRIAL
INDUSTRIAL INTERNAL COMBUSTION ENGINE - NATURAL
GAS
Turbine: Cogeneration

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 of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000106-99-0	1,3-BUTADIENE (HAP)	> 0	but < 10 tpy
000091-57-6	2-METHYL NAPHTHALENE	> 0	but < 2.5 tpy
000056-49-5	3-METHYLCHOLANTHRENE	> 0	but < 2.5 tpy
000057-97-6	7,12-DIMETHYLBENZ [A] ANTHRACENE	> 0	but < 2.5 tpy
000083-32-9	ACENAPHTHENE (HAP)	> 0	but < 10 tpy
000208-96-8	ACENAPHTHYLENE (HAP)	> 0	but < 10 tpy
000075-07-0	ACETALDEHYDE (HAP)	> 0	but < 10 tpy
000107-02-8	ACROLEIN (HAP)	> 0	but < 10 tpy
000120-12-7	ANTHRACENE (HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC (HAP)	> 0	but < 10 tpy
000071-43-2	BENZENE (HAP)	> 0	but < 10 tpy
000056-55-3	BENZO (A) ANTHRACENE (HAP)	> 0	but < 10 tpy
000050-32-8	BENZO (A) PYRENE (HAP)	> 0	but < 10 tpy
000205-99-2	BENZO [B] FLUORANTHENE (HAP)	> 0	but < 10 tpy
000191-24-2	BENZO [G, H, I] PERYLENE (HAP)	> 0	but < 10 tpy
000207-08-9	BENZO [K] FLUORANTHENE (HAP)	> 0	but < 10 tpy

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



007440-41-7	BERYLLIUM (HAP)	> 0 but < 10 tpy
007440-43-9	CADMIUM (HAP)	> 0 but < 10 tpy
000124-38-9	CARBON DIOXIDE	>= 250 tpy
000630-08-0	CARBON MONOXIDE	198000
007440-47-3	CHROMIUM (HAP)	> 0 but < 10 tpy
000218-01-9	CHRYSENE (HAP)	> 0 but < 10 tpy
007440-48-4	COBALT (HAP)	> 0 but < 10 tpy
000053-70-3	DIBENZ [A, H] ANTHRACENE (HAP)	> 0 but < 10 tpy
025321-22-6	DICHLOROBENZENE	> 0 but < 2.5 tpy
000100-41-4	ETHYLBENZENE (HAP)	> 0 but < 10 tpy
000206-44-0	FLUORANTHENE (HAP)	> 0 but < 10 tpy
007782-41-4	FLUORINE	> 0 but < 2.5 tpy
000050-00-0	FORMALDEHYDE (HAP)	> 0 but < 10 tpy
0NY100-00-0	HAP	>= 2.5 tpy but < 10 tpy
000110-54-3	HEXANE (HAP)	> 0 but < 10 tpy
000193-39-5	INDENO [1, 2, 3-CD] PYRENE (HAP)	> 0 but < 10 tpy
007439-92-1	LEAD (HAP)	> 0 but < 10 tpy
007439-96-5	MANGANESE (HAP)	> 0 but < 10 tpy
007439-97-6	MERCURY (HAP)	> 0 but < 10 tpy
000091-20-3	NAPHTHALENE (HAP)	> 0 but < 10 tpy
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS (HAP)	> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN	198000
0NY075-00-0	PARTICULATES	>= 10 tpy but < 25 tpy
000085-01-8	PHENANTHRENE (HAP)	> 0 but < 10 tpy
0NY075-00-5	PM-10	>= 10 tpy but < 25 tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS (HAP)	> 0 but < 10 tpy
000075-56-9	PROPANE, 1,2-EPOXY- (HAP)	> 0 but < 10 tpy
000115-07-1	PROPYLENE	> 0 but < 2.5 tpy
000129-00-0	PYRENE (HAP)	> 0 but < 10 tpy
007782-49-2	SELENIUM (HAP)	> 0 but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 2.5 tpy but < 10 tpy
007664-93-9	SULFURIC ACID	> 0 but < 2.5 tpy
000108-88-3	TOLUENE (HAP)	> 0 but < 10 tpy
0NY998-00-0	VOC	>= 2.5 tpy but < 10 tpy
001330-20-7	XYLENE, M, O & P MIXT. (HAP)	> 0 but < 10 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.

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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

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.

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

Permit ID: 9-1402-00643/00019



02/03/2005

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

(1) An emergency occurred and that the facility owner and/or operator can identify the cause(s) of the emergency;

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated;

(3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and

(4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

Item 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 - 6

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

NYCRR 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 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)

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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

Item 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)

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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:

- 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)

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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 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

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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)

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

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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 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.

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301	Powers and Duties of the Department with respect to air pollution control	65
FACILITY	40CFR 52-A.21	Prevention of Significant Deterioration	69
1-GASTR/CTG01	40CFR 52-A.21	Prevention of Significant Deterioration	91
1-GASTR	40CFR 60-A	General provisions	33
1-GASTR	40CFR 60-A.11 (a)	General provisions - compliance with standards and maintenance requirements	41
1-GASTR	40CFR 60-A.11 (d)	General provisions - compliance with standards and maintenance requirements	42
1-GASTR	40CFR 60-A.12	General provisions - Circumvention	43
1-GASTR	40CFR 60-A.4	General provisions - Address	34
1-GASTR	40CFR 60-A.7 (a)	Notification and Recordkeeping	35
1-GASTR	40CFR 60-A.7 (b)	Notification and	36

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



Permit ID: 9-1402-00643/00019

02/03/2005

1-GASTR	40CFR 60-A.7 (c)	Recordkeeping Notification and Recordkeeping	37
1-GASTR	40CFR 60-A.7 (d)	Notification and Recordkeeping	38
1-GASTR	40CFR 60-A.7 (e)	Notification and Recordkeeping	39
1-GASTR	40CFR 60-A.7 (f)	Notification and Recordkeeping	40
1-GASTR/-/DB1/DB001	40CFR 60-Db.40b	Steam generators over 100 million Btu per hour	53
1-GASTR/-/DB1/DB001	40CFR 60-Db.44b(a) (4)	Standard for Nitrogen Oxides for Duct Burners Used in Combined Cycle Projects.	54
1-GASTR/-/DB1/DB001	40CFR 60-Db.44b(h)	Standards for Nitrogen Oxides Provisions.	55
1-GASTR/-/DB1/DB001	40CFR 60-Db.44b(i)	Averaging Period.	56
1-GASTR/-/DB1/DB001	40CFR 60-Db.46b	Compliance and Performance Test Methods and Procedures for Particulate Matter and and Nitrogen Oxides.	57
1-GASTR/-/DB1/DB001	40CFR 60-Db.48b(h)	Exemption from Emission Monitoring of Nitrogen Oxides.	58
1-GASTR/-/DB1/DB001	40CFR 60-Db.49b(a)	Reporting and Recordkeeping Requirements.	59
1-GASTR/-/DB1/DB001	40CFR 60-Db.49b(b)	Reporting and Recordkeeping Requirements.	60
1-GASTR/-/DB1/DB001	40CFR 60-Db.49b(d)	Reporting and Recordkeeping Requirements.	61
1-GASTR/-/DB1/DB001	40CFR 60-Db.49b(g)	Reporting and Recordkeeping Requirements.	62
1-GASTR	40CFR 60-GG.330	Stationary gas turbines over 10 million Btu per hour	44
1-GASTR	40CFR 60-GG.332(a)	Standard for oxides of nitrogen	45
1-GASTR	40CFR 60-GG.333(b)	Standard for Sulfur Dioxide	46
1-GASTR	40CFR 60-GG.334(e)	Monitoring for new (after 7/8/04) turbines that do not use water/steam to control NOx	47
1-GASTR	40CFR 60-GG.334(h) (3)	Allowance not to monitor sulfur or nitrogen for natural gas	48
1-GASTR	40CFR 60-GG.334(j)	Reporting Requirements	49
1-GASTR	40CFR 60-GG.335(a)	Test methods and procedures - Performance Test	50
1-GASTR	40CFR 60-GG.335(b)	Test methods and procedures for NOx	51
FACILITY	40CFR 68	Chemical accident prevention provisions	14
1-GASTR	40CFR 72	Permits regulation	52
FACILITY	40CFR 82-F	Protection of Stratospheric Ozone -	15

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



		recycling and emissions reduction	
FACILITY	6NYCRR 200.3	False Statement.	1
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	66
FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	2, 16, 17
1-GASTR	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	18, 19, 20
FACILITY	6NYCRR 201-6.5(c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	3
FACILITY	6NYCRR 201-6.5(c)(2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	4
FACILITY	6NYCRR 201-6.5(c)(3)(ii)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	5
FACILITY	6NYCRR 201-6.5(e)	Compliance Certification	6
FACILITY	6NYCRR 201-6.5(g)	Permit shield	7
FACILITY	6NYCRR 201-7	Federally-Enforceable Emission Caps	67, 68, 69
1-GASTR/CTG01	6NYCRR 201-7	Federally-Enforceable Emission Caps	91
FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	8
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	9
1-GASTR	6NYCRR 204-1.4	Applicability	21
1-GASTR	6NYCRR 204-2.1	Authorization and Responsibilities of the NOx Authorized Account Representative	22
1-GASTR	6NYCRR 204-4.1	Compliance Certification Report	23
1-GASTR	6NYCRR 204-7.1	Submission of NOx Allowance Transfers	24
1-GASTR	6NYCRR 204-8.1	General Requirements	25, 26, 27, 28
1-GASTR	6NYCRR 204-8.2	Initial Certification and Recertification Procedures	29
1-GASTR	6NYCRR 204-8.3	Out of Control Periods	30
1-GASTR	6NYCRR 204-8.4	Notifications	31
1-GASTR	6NYCRR 204-8.7	Additional Requirements to Provide Heat Input Data for Allocations Purposes	32
FACILITY	6NYCRR 207	Control Measures for an Air Pollution Episode	10
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	70
FACILITY	6NYCRR 225-1.2(a)(2)	Sulfur in Fuel Limitations Post 12/31/87.	11
FACILITY	6NYCRR 225-1.8(a)	Reports, sampling and	12

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



		analysis.	
1-STENG FACILITY	6NYCRR 227.2 (b) (1)	Particulate emissions.	64
	6NYCRR 227-1.3 (a)	Smoke Emission	13
FACILITY	6NYCRR 227-2	Limitations.	
		Reasonably available control technology for NOx	68
FACILITY	6NYCRR 231-2	New Source Review in Nonattainment Areas and Ozone Transport Region	68
1-GASTR/CTG01	6NYCRR 231-2	New Source Review in Nonattainment Areas and Ozone Transport Region	63
1-GASTR	6NYCRR 237-1.4 (a)	Generators equal to or greater than 25 MWe	74
1-GASTR	6NYCRR 237-1.6 (a)	Standard permit requirements	75
1-GASTR	6NYCRR 237-1.6 (c)	Nitrogen oxides requirements	76
1-GASTR	6NYCRR 237-1.6 (e)	Recordkeeping and reporting requirements	77
1-GASTR FACILITY	6NYCRR 237-1.6 (f)	Liability	78
	6NYCRR 237-1.6 (g)	Effect on other authorities	71
1-GASTR	6NYCRR 237-2	NOx Authorized account representative for NOx budget sources	79
1-GASTR	6NYCRR 237-4.1	Compliance certification report.	80
1-GASTR	6NYCRR 237-7.1	Submission of NOx allowance transfers	81
1-GASTR	6NYCRR 237-8	MONITORING AND REPORTING	82
1-GASTR	6NYCRR 238-1.4	Applicability	83
1-GASTR	6NYCRR 238-1.6 (a)	Permit Requirements	84
1-GASTR	6NYCRR 238-1.6 (c)	Sulfur Dioxide requirements	85
1-GASTR	6NYCRR 238-1.6 (e)	Recordkeeping and Reporting Requirements	86
FACILITY	6NYCRR 238-1.6 (f)	Liability	
FACILITY	72	Effect on Other Authorities	73
1-GASTR	6NYCRR 238-2.1	Authorization/responsibilities of the authorized account representative	87
1-GASTR	6NYCRR 238-4.1	Compliance certification report	88
1-GASTR	6NYCRR 238-7.1	Submission of SO2 allowance transfers	89
1-GASTR	6NYCRR 238-8	Monitoring and Reporting	90

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

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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.

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 201-6.5(g)

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

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

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.

40 CFR Part 82. Subpart F

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

Facility Specific Requirements

In addition to Title V, BLACK ROCK FACILITY has been determined to be subject to the following regulations:

40CFR 52-A.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration provisions; ie: facilities that are located in an attainment area and that emit pollutants which are listed in

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



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

40CFR 60-A

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

40CFR 60-A.11 (a)

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

40CFR 60-A.11 (d)

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

40CFR 60-A.12

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

40CFR 60-A.4

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

40CFR 60-A.7 (a)

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

40CFR 60-A.7 (b)

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

40CFR 60-A.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40CFR 60-A.7 (d)

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

40CFR 60-A.7 (e)

This condition specifies the required information and format for a summary report form and details when

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



either a summary form and/or excess emissions reports are required.

40CFR 60-A.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40CFR 60-Db.40b

This section states the applicability and designation of the affected facility.

40CFR 60-Db.44b (a) (4)

These standards apply to boilers firing natural gas and/or distillate oil as provided in 40 CFR 60.44b(a)(4) Duct Burners Used in a Combined Cycle System.

40CFR 60-Db.44b (h)

This regulation specifies that the NSPS nitrogen oxide standards apply at all time including periods of startup, shutdown, or malfunction.

40CFR 60-Db.44b (i)

This subdivision requires that the facility use a 30 day rolling average to determine compliance with any applicable standards in this Subpart.

40CFR 60-Db.46b

This section sets the compliance and performance test methods and procedures for emissions of particulate matter and oxides of nitrogen.

40CFR 60-Db.48b (h)

This subdivision exempts duct burners as described in 40CFR60.41b from using CEMS to monitor NOx emissions.

40CFR 60-Db.49b (a)

This subdivision requires reporting and recordkeeping for affected steam generating units - initial notification.

40CFR 60-Db.49b (b)

This subdivision requires reporting and recordkeeping for affected steam generating units - initial performance and CEM testing.

40CFR 60-Db.49b (d)

This subdivision requires reporting and recordkeeping for affected steam generating units - annual fuel capacity factors.

40CFR 60-Db.49b (g)

This subdivision requires reporting and recordkeeping for affected steam generating units - specific

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

oxides of nitrogen requirements.

40CFR 60-GG.330

This section states the applicability and designation of the affected facility.

40CFR 60-GG.332 (a)

This regulation sets forth the equation to be used to determine the allowable emissions of oxides of nitrogen (NO_x).

40CFR 60-GG.333 (b)

This regulation limits the amount of sulfur in the fuel burned in a gas turbine to 0.8% by weight

40CFR 60-GG.334 (e)

This regulation allows the owner or operator of any new turbine that commences construction after July 8, 2004, and which does not use water or steam injection to control NO_x emissions to use a NO_x CEMS.

40CFR 60-GG.334 (h) (3)

This regulation allows the owner or operator of a gas turbine to not monitor the fuel for sulfur or nitrogen content if the fuel meets the 40 CFR 60.331(u) definition of natural gas.

40CFR 60-GG.334 (j)

This regulation sets forth the reporting requirements for affected units that continuously monitor parameters or emissions or those that periodically determine the sulfur and/or nitrogen content of the fuel burned in a gas turbine.

40CFR 60-GG.335 (a)

This regulation sets forth the requirements for the performance testing to be performed for gas turbines. EPA Method 20, ASTM D6522-00, EPA Method 7A and 3 or 3A can be used to determine emissions from a gas turbine.

40CFR 60-GG.335 (b)

This regulation sets forth the methods and procedures to be followed for performance testing for emissions of NO_x.

40CFR 72

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

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



6NYCRR 200.3

No person shall make a false statement in connection with applications, plans, specifications and/or reports submitted pursuant to this Subchapter.

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 201-7

This subpart specifies how a source owner or operator may opt to avoid being subject to one or more applicable requirements to which the source or unit would have otherwise been subject, or where needed to establish an emission reduction credit by accepting federally-enforceable permit conditions restricting or capping emissions.

6NYCRR 204-1.4

This condition states the applicability of Part 204 to the source.

6NYCRR 204-2.1

This condition states the submission requirements for the NOx Budget Trading Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6NYCRR 204-4.1

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

6NYCRR 204-7.1

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

6NYCRR 204-8.1

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

6NYCRR 204-8.2

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

6NYCRR 204-8.3

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

6NYCRR 204-8.4

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

New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

6NYCRR 204-8.7

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

6NYCRR 207

This regulation requires the owner or operator to submit an episode action plan to the Department in accordance with the requirements of 6NYCRR Part 207. The plan must contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

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.

6NYCRR 225-1.8 (a)

Upon request the owner or operator of a facility which purchases and fires coal or oil shall submit reports to the commissioner containing a fuel analysis, information on the quantity of the fuel received, burned, and results of any stack sampling, stack monitoring and any other procedures to ensure compliance with the provisions of 6 NYCRR Part 225-1. All records shall be available for a minimum of three years

6NYCRR 227 .2 (b) (1)

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

6NYCRR 227-1.3 (a)

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

6NYCRR 227-2

This regulation limits the emission of oxides of nitrogen (NOx) from stationary combustion installations (boilers, combustion turbines and internal combustion engines).

6NYCRR 231-2

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

6NYCRR 237-1.4 (a)

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



This condition specifies that any emission unit or facility with a unit; that at any time on or after January 1, 1999, serves a generator with a nameplate capacity equal to or greater than 25 MWe, and sells any amount of electricity, is a NOx budget unit and subject to the requirements of NYCRR 237

6NYCRR 237-1.6 (a)

This condition requires the applicant to submit a NOx budget application for a permit and to operate in compliance with that permit.

6NYCRR 237-1.6 (c)

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

6NYCRR 237-1.6 (e)

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

6NYCRR 237-1.6 (f)

This describes the liability issues regarding the requirements of the ADR NOx Budget Trading Program .

6NYCRR 237-1.6 (g)

This item states that no provision of the ADR NOx Budget Trading Program, a NOx budget permit application, or a NOx budget permit, will exempt or exclude the owners and operators from compliance with any other provisions of applicable State and federal law and regulations.

6NYCRR 237-2

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

6NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6NYCRR 237-7.1

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

6NYCRR 237-8

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

6NYCRR 238-1.4

This citation identifies the facility as having one or more SO2 budget units as defined by Federal Law, and as such is subject to the requirements of 6 NYCRR 238

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

6NYCRR 238-1.6 (a)

This condition requires the applicant to submit a SO2 budget application for a permit and to operate in compliance with that permit.

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 238-1.6 (f)

This subdivision outlines the liability of an affected source.

6NYCRR 238-1.6 (g)

This subdivision outlines the liability of an affected source as subject to other requirements.

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 section states that the owners and operators, and to the extent applicable, the SO2 authorized account representative of an SO2 budget unit, shall comply with the monitoring and reporting requirements as provided for in all applicable sections of 40 CFR Part 75.

Non Applicability Analysis

List of non-applicable rules and regulations:

Location Facility/EU/EP/Process/ES	Short Description	Regulation
FACILITY	Subpart A - General Provisions apply to all NESHAP affected sources	40CFR 63-A
Reason: The Black Rock Facility has a facility-wide potential to emit (PTE) 3 tons of total hazardous air pollutants (HAPs) and a PTE individual HAPs of 1 tpy or less. The applicability thresholds specified in 40CFR63 for total HAPs and individual HAPs are 25 tpy and 10 tpy, respectively. Therefore, MACT standards for specific categories of stationary sources present at the Black Rock Facility		

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



Permit ID: 9-1402-00643/00019

02/03/2005

will not apply.

NOTE: Non-applicability determinations are cited as a permit condition under 6 NYCRR Part 201-6.5(g). This information is optional and provided only if the applicant is seeking to obtain formal confirmation, within an issued Title V permit, that specified activities are not subject to the listed federal applicable or state only requirement. The applicant is seeking to obtain verification that a requirement does not apply for the stated reason(s) and the Department has agreed to include the non-applicability determination in the issued Title V permit which in turn provides a shield against any potential enforcement action.

Compliance Certification

Summary of monitoring activities at BLACK ROCK FACILITY:

Location Facility/EU/EP/Process/ES	Type of Monitoring	Cond No.
1-GASTR	record keeping/maintenance procedures	35
1-GASTR	record keeping/maintenance procedures	37
1-GASTR	record keeping/maintenance procedures	40
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	53
1-GASTR/-/DB1/DB001	intermittent emission testing	57
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	58
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	59
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	60
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	61
1-GASTR/-/DB1/DB001	record keeping/maintenance procedures	62
1-GASTR	record keeping/maintenance procedures	44
1-GASTR	continuous emission monitoring (cem)	45
1-GASTR	monitoring of process or control device parameters as surrogate	46
1-GASTR	record keeping/maintenance procedures	47
1-GASTR	record keeping/maintenance procedures	48
1-GASTR	record keeping/maintenance procedures	49
1-GASTR	intermittent emission testing	51
1-GASTR	monitoring of process or control device parameters as surrogate	18
1-GASTR	record keeping/maintenance procedures	19
1-GASTR	record keeping/maintenance procedures	20
FACILITY	record keeping/maintenance procedures	5
FACILITY	record keeping/maintenance procedures	6
FACILITY	monitoring of process or control device parameters as surrogate	68
FACILITY	monitoring of process or control device parameters as surrogate	69
1-GASTR/CTG01	continuous emission monitoring (cem)	91
FACILITY	record keeping/maintenance procedures	8
1-GASTR	record keeping/maintenance procedures	21
1-GASTR	record keeping/maintenance procedures	28
1-GASTR	record keeping/maintenance procedures	31
1-GASTR	record keeping/maintenance procedures	32
FACILITY	work practice involving specific operations	11
FACILITY	record keeping/maintenance procedures	12
1-STENG	intermittent emission testing	64
FACILITY	monitoring of process or control device parameters as surrogate	13
1-GASTR/CTG01	continuous emission monitoring (cem)	63
1-GASTR	record keeping/maintenance procedures	76

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



1-GASTR	record keeping/maintenance procedures	80
1-GASTR	record keeping/maintenance procedures	82
1-GASTR	record keeping/maintenance procedures	85
1-GASTR	record keeping/maintenance procedures	86
1-GASTR	record keeping/maintenance procedures	88
1-GASTR	record keeping/maintenance procedures	90

Basis for Monitoring

This title V permit specifies special operating/monitoring conditions, recordkeeping and reporting required to verify compliance with the applicable requirement. The basis for monitoring for these requirements is as follows:

6NYCRR201-7 (40CFR52.21(PSD)):

To verify compliance with the annual limit on CO emissions, which the Black Rock Facility accepted to avoid the requirements of 40CFR52.21 (PSD), the Black Rock Facility must monitor CO emissions from the stationary gas turbine/duct burner (EU 1-GASTR) via the continuous emissions monitoring system (CEMS) and from the internal combustion engines (EU 1-STENG and EU 1-COMPR) based on monthly fuel usage and CO emission factors. The annual rolling total, determined by summing the individual monthly CO emissions during any consecutive 12-month period, must be compared to the limit of 99 tpy, set to avoid the requirements of PSD. If emissions exceed this limit, the Black Rock Facility will be considered in violation of their title V permit and that exceedance must be reported to the Department within 30 days. If the Black Rock Facility is unable to comply with the emission CAP they will be subject to the requirements of PSD. The hourly emission rate of CO from EU 1-GASTR is limited to 0.045 lb/mmbtu and is monitored by the CEMS. Records must be maintained on-site for five years and be available for review by the Department or USEPA upon request. Quarterly emission reports submitted in accordance with 40CFR60, annual compliance certification reports and semi-annual deviation reports are required.

6NYCRR201-7 (6NYCRR231-2 (NSR) and 6NYCRR227-2 (NOx RACT)):

These regulations require that stationary combustion sources which emit nitrous oxides at 100 tons per year or more control NOx emissions through Reasonably Available Control Technology for NOx RACT and meet the Lowest Achievable Emission Rate for NSR. To avoid the requirements of 6NYCRR227-2 and 6NYCRR231-2, Horizon Power, Inc. chose to limit NOx emissions from the Black Rock Facility to 99 tpy or less. Each month, the Black Rock Facility must calculate facility-wide NOx emissions based on CEMS data for EU 1-GASTR and fuel usage and the emission factors specified in their title V permit for EU 1-STENG and EU 1-COMPR. Compliance is determined by summing the individual monthly NOx emissions from the stationary combustion sources during any consecutive 12-month period and comparing it to the 99 tpy CAP. If NOx emissions exceed this limit, the Black Rock Facility will be considered in violation of their title V permit and that exceedance must be reported to the Department within 30 days. If the Black Rock Facility is unable to comply with the emission CAP they will be subject to the requirements of NSR and NOx RACT. The hourly emission rate of NOx from EU 1-GASTR is limited to 0.11 lb/mmbtu and is monitored by the CEMS. Records must be maintained on-site for five years and be available for review by the Department or USEPA upon request. Quarterly emission reports submitted in accordance with 40CFR75, annual compliance certification reports and semi-annual deviation reports are required.

6NYCRR 201-6:

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



To verify compliance with the minimum allowable operating capacity of 80% of the gas turbine, the Black Rock Facility must track power output continuously. Daily records must be maintained on-site for five years and reporting must be conducted semi-annually and annually.

Heat input must also be monitored to estimate CO emissions when CEMS data is missing. NOx emissions during these periods must be estimated in accordance with 40CFR75. Records must be maintained on-site for five years and reporting must be conducted semi-annually and annually.

40CFR60 Subpart GG:

Facilities that operate stationary gas turbines are subject to the requirements of 40CFR60, Subpart GG, which includes a limit on sulfur content in fuel of 0.8 % by weight and a 75 ppm limit on NOx emissions. The Black Rock Facility utilizes dry low NOx burners to control NOx emissions from the stationary gas turbine. A CEMS is used to monitor NOx emissions to verify compliance with the 75 ppm limit. The Black Rock Facility must demonstrate that the gas used to fuel the stationary gas turbine meets the definition of natural gas as specified under 40CFR60.334 (h) to verify compliance with the sulfur limit. All records must be maintained on-site for review by inspectors from the USEPA and/or NYSDEC. Quarterly (calendar) and/or semi-annual reporting is required.

40CFR60 Subpart Db:

The gas-fired duct burner contained in EU 1-GASTR is subject to the requirements of 40CFR60 Subpart Db- Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units. Subpart Db includes a 0.2 lb/mmbtu emission limit on NOx from the duct burner. Compliance with this limit will be verified via the CEMS. All records must be maintained on-site for review by inspectors from the USEPA and/or NYSDEC. Reporting is required semi-annually.

6NYCRR227-1.3 and 6NYCRR211.3:

Opacity is regulated under 6NYCRR227-1.3 and 6NYCRR211.3 to control the emission of particulates, which when respired can harm human health and can also cause reduced visibility. An opacity determination is a surrogate method of determining compliance with the in-stack concentration limit for particulates.

All combustion sources at the Black Rock Facility are subject to 6NYCRR227-1.3(a), which limits the average opacity of the emissions during any six consecutive minutes to less than 20%. A daily check of visible emissions is required to verify compliance with this rule. The observation of emissions greater than zero percent opacity will trigger an investigation to determine the cause, followed by corrective action. If visible emissions persist, a Method 9 opacity evaluation is required to determine whether the opacity limit has been exceeded. The facility is considered in violation of 6NYCRR227-1.3 if the opacity is determined to be greater than 20%. Records of daily observations and Method 9 analyses must be maintained on-site for five years so that the Administrator and/or the NYSDEC can review records and determine if the Black Rock Facility has maintained compliance with these regulations. In addition to semi-annually, reporting is required any time a Method 9 analysis is conducted. Compliance with the 20% opacity limit specified under 6NYCRR211.3, may be verified via the monitoring requirements specified under 6NYCRR227-1.3(a).

6NYCRR225-1.2 (d) and 6NYCRR225-1.8 (a):

The sulfur content in fuel oil and coal are limited by 6NYCRR225-1 to lower the sulfur dioxide emissions

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019

02/03/2005



resulting from stationary combustion installations. Distillate (No. 2) oil used at the Black Rock Facility is subject to the sulfur in oil limit of 1.5 % by weight as specified under 6NYCRR225-1.2 (d). Compliance with this rule is verified through vendor certification of the sulfur content for each delivery of oil. Records are required to be maintained on-site for five years to verify compliance with these requirements. Annual compliance certification and semi-annual deviation reports are required .

6NYCRR227.2(b)(1):

This regulates particulate emissions from stationary combustion sources. The Detroit Diesel diesel-fired internal combustion engine in EU 1-STENG is subject to the requirements of 6NYCRR227.2(b)(1). Particulate emissions from the combustion of No. 2 oil in this internal combustion engine (Process ST1), exhausted through EP ENG01, is limited to 0.1 lb/MMBTU. Approval of a stack test protocol and the performance of a stack test are required prior to permit renewal to verify compliance with the specified limit.

To minimize particulate emissions, Black Rock Facility is also required to operate and maintain the internal combustion engine as specified by the manufacturer. Records of stack tests/ protocols and maintenance/repairs must be kept on-site so that NYSDEC inspectors may review them to verify compliance with these requirements. Reporting is required semi-annually.

6NYCRR204 and 6NYCRR237:

These regulations were enacted to achieve compliance with the NAAQS for ozone by reducing NOx emissions from utilities and large combustion sources which contribute to interstate transport of ground level ozone. These regulations were also designed to reduce acid deposition in New York State from acid rain, which is formed when NOx emissions react with other substances in the atmosphere to create weak acids which fall to the earth in the form of rain, snow, fog, or dry particles. This acid deposition severely damages many of the State's marine and forest ecosystems and causes deterioration of many manmade structures. During the ozone season (May 1- September 30), the Black Rock Facility is subject to the requirements of 6NYCRR204, NOx Budget Trading Program and during the non-ozone season (October 1 - April 30) the Acid Deposition Reduction NOx Budget Trading Program (6NYCRR237) applies. Both regulations will allot the Black Rock Facility a certain quantity of NOx emission allowances for their respective seasons. At the end of each period, the Black Rock Facility must obtain additional allowances if needed to balance their emissions and the Authorized Account Representative must submit a certification of compliance for the budget source. To ensure that NOx emissions do not exceed allowances, the Black Rock Facility is required to monitor NOx emissions via a continuous emissions monitoring systems (CEMS) in accordance with 40CFR75. The Black Rock Facility must maintain records onsite and submit quarterly emission reports and an annual compliance certification.

40CFR72

The Black Rock Facility must monitor SO2 emissions annually from EU 1-GASTR (the "affected unit") to determine compliance with their annual SO2 allocation for the Acid Rain Program. In lieu of a continuous emissions monitoring system (CEMS) for SO2, the Black Rock Facility may use an alternate method in accordance with Appendix D to Part 75—Optional SO2 Emissions Data Protocol for Gas-Fired and Oil-Fired Units. In this case, the Black Rock facility will monitor fuel flowrate and sulfur content to estimate SO2 emissions. The Black Rock Facility must submit quarterly emission reports and an annual compliance certification.

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-1402-00643/00019



02/03/2005

6NYCRR 238:

This is a state regulation which is similar to 40CFR72 in that the State of New York allocates SO₂ allowances to SO₂ budget units to limit SO₂ emissions to reduce acid rain. However, SO₂ allowances are less than those allocated under 40CFR72. SO₂ emissions monitoring is conducted in accordance with 40CFR75 Appendix D. The control period for 6NYCRR238 is January 1-December 31. The Black Rock Facility must submit quarterly emission reports and an annual compliance certification.