

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-1464-00130/00020 Modification Number: 2**



**04/14/2005**

**Facility Identification Data**

Name: HUNTLEY STEAM GENERATING STATION  
Address: 3500 RIVER RD  
TONAWANDA, NY 14150

**Owner/Firm**

Name: HUNTLEY POWER LLC  
Address: 901 MARQUETTE AVENUE  
SUITE 2300  
MINNEAPOLIS, MN 55402-3265, USA  
Owner Classification: Corporation/Partnership

**Permit Contacts**

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TONAWANDA, NY 14150  
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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 for the Huntley Steam Generating Station is initiated by the New York

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State Department of Environmental Conservation (NYSDEC) to address a United States Environmental Protection Agency (EPA) order of deficiencies in the title V permit. The Complete Title V package consists of this Permit Review Report, The Title V permit (mod 2), the Title IV acid Rain permit, System wide averaging plan for Nitrogen Oxides and the Opacity Consent Order dated March 31, 2004.

Also included in this permit modification are the conditions for the Nitrogen Oxides (NOx) Trading Program, 6NYCRR part 204 which is similar to 6 NYCRR part 237-3. Part 227-3 requirements expired in 2003 and part 204 continues the same type of NOx Budget program with additional reductions during the ozone season thru 2008. New York State has written additional regulations to reduce acid rain which are also included in this permit. The regulations apply in 2004. Acid Deposition Reduction NOx Budget Trading Program, 6 NYCRR part 237, and Acid Deposition Reduction SO2 Budget Trading Program, 6NYCRR part 238, are included on the State side of the permit. Part 237 requires NOx reductions during the non Ozone season. Part 238 is a SO2 Budget program similar to NOx budget programs. Part 238 control period is from January 1 to December 31. Emissions of NOx and SO2 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. Implementation of Parts 204, 237 and 238 is intended to reduce acid deposition caused by emissions of NOx and SO2.

The remainder of this section addresses the issues raised by the EPA order of deficiencies. The Title V permit application was received June 6, 1997 in accordance with the requirements of chapter 6, New York State Code Rules and Regulations (6NYCRR) 201-6. The purpose of a Title V permit is to include in one document all of the applicable requirements and a description of the methods used to assure compliance. The application was determined complete on April 14, 1998. A draft permit was noticed on April 25, 2001 and after addressing comments a permit proposed to the United States Environmental Protection Agency (USEPA) on September 10, 2001. The permit was finally issued on October 29, 2001 after no comment from EPA. On January 3, 2002 the New York Public Interest Research Group (NYPIRG) submitted a petition to the USEPA objecting to issuance of the proposed permit. EPA responded with an Order dated August 6, 2003 granting in part and denying in part the petition. EPA also sent a letter dated September 4, 2003 summarizing the order and to provide additional requisite revisions relative to the permit. This permit modification addresses the changes required by the EPA order, petition II-2002-01, and subsequent letter. A copy of the EPA order and letters are available upon request from the NYSDEC Region 9 office or from the USEPA. Following are the main subject headings and summary of EPA's position which require a Department response.

#### **A. Compliance Schedule**

EPA has concluded that the proposed permit lacked a compliance schedule designed to bring the Huntley steam generation station into compliance with opacity requirements and that the Title V permit must include this requirement. Although Huntley did submit a compliance schedule and a compliance plan in its permit application, the permit did not include the compliance schedule from the application and there is nothing in the permit record to explain this omission. EPA has concluded that the Huntley permit must accordingly be reissued to address this omission. In reissuing the Huntley permit, the 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

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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 did discuss the status of the opacity violations in the DEC permit description. 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 final opacity reduction plan which is consistent with the requirements of 40 CFR § 70.5(c)(8)(iii) and 6 NYCRR § 201-6.3(d)(9)(iii) and has been incorporated into this revised permit.

#### **D. Annual Compliance Certification**

The petitioner alleges that the proposed permit distorts the annual compliance certification requirement of the CAA

EPA denied petition on this issue, however upon reissuance of the permit the condition 6NYCRR part 201-6.5(e) will be replaced with an updated version that will clarify annual compliance certification reporting.

#### **E. Prompt reporting of Deviations**

The petitioner claims that the proposed permit does not require prompt reporting of all deviations from permit requirements as mandated by the CAA.

EPA denied the petition but requested that conditions 58 and 64, which relate to monitoring of ESP parameters, be updated to address prompt reporting of deviations.

The conditions have been updated as discussed below in section I.1.

#### **F. Startup, Shutdown, Malfunction**

EPA Order - In its November 16, 2001 letter, the 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,

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malfunctions or upsets. See 6 NYCRR § 201-6.5(c)(3)(ii).

DEC Response - 6 NYCRR 201-6.5(c)(3)(ii) has been incorporated into federal side of this permit. 6 NYCRR § 201-1.4 has been moved to the state side of the permit and as such would only apply to "state only" permit requirements.

#### **H. Pre-Existing Federally Enforceable Emission Limits**

The Petitioner argues that the proposed permit fails to include all federally enforceable emission limits.

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. The Department notes at the outset that many of the so-called limitations were, in reality, requests for information or place-holders in old DEC computer programs. New York does not believe that these were federally-enforceable conditions from permits issued pursuant to requirements approved into the New York SIP, or that all conditions contained in such certificates 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 applicable where they are currently addressed in the Title V permit.

##### a) Boilers 67 and 68

The pre-existing permits for facility boilers 67 and 68 contained emission limits in two places, the contaminant listing section and under special conditions. The Contaminant listing section listed total particulate, Sulfur Dioxide, Nitrogen Oxides, Carbon Monoxide and Non-methane Hydrocarbon emissions. This section also contains a column for permissible based on a short term rate and a permissible in pounds per year. The facility was constructed in the early 1900's. Boilers 67 and 68 list a startup date of December 1957 with a total heat input of 3656 mmbtu/hr. This pre dated New Source Review regulations which, if applicable, could result in an annual limit of emissions.

Particulate emissions are limited by 6 NYCRR Part 227-1.2. The pre-existing permits listed a limit of 0.165 lb/mmbtu and was calculated from the formula at the end of the table in the regulation. The Title V permit based the limit on the table for a heat input range between 3000 and 4000 mmbtu/hr which is 0.17 lb/mmbtu. The permit condition # 64 will be revised to include the more stringent limit determined from the formula which is 0.165 lb/mmbtu.

Sulfur in fuel is regulated under 6 NYCRR 225-1.2 and for solid fuel is limited to 1.4 pounds of sulfur per million btu of heat input, 3 month average, and 1.7 lbs of Sulfur/mmbtu max. This is equivalent to 2.8 pounds of sulfur dioxide/million btu heat input and 3.4 pounds of sulfur dioxide/ million btu heat input respectively. The pre-existing permit listed only the 2.8 lbs of SO<sub>2</sub>/mmbtu as a limit. The 2.8 lbs of SO<sub>2</sub>/mmbtu is in the issued title V permit condition # 37 (updated and identified as condition 2-16 in mod 2), the 3.4 pounds of SO<sub>2</sub>/mmbtu limit is in the issued Title V permit condition # 38 (updated and identified as condition 2-14 in mod ).

Nitrogen Oxides are regulated under 6 NYCRR Part 227-2.4 and limits NO<sub>x</sub> to 0.42 lb/mmbtu. The limit in the pre-existing permit was carried over to the Title V permit under Conditions 66 and 67.

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The remaining contaminants listed on the pre-existing permit, carbon monoxide and non-methane VOC, were included in the permit to satisfy the keypunching requirements of the former permit computer system. These so-called permissible emissions do not correspond to an applicable federal or state regulatory requirement. Because these numerical limits do not emanate from a rule or regulation, they do not constitute applicable requirements and DEC cannot include them in the Title V permit. DEC believes this is appropriate inasmuch as 40 CFR part 70.1 states that the purpose of the Title V permit is to assure compliance with applicable requirements and does not impose substantive new requirements.

There are two letters specifying special conditions applicable to boilers 67 and 68 dated March 21, 1994 and Nov 20, 1996. The March 21, 1994 letter resulted from the permit to construct a modification for units 67 and 68 to meet the requirements of 6 NYCRR Part 227-2, Reasonable Available Control Technology (RACT), for Nitrogen Oxide emissions. The letter also summarized in more detail the existing applicable requirements. Following is a short summary of each item listed in the letter and where it is covered in the current Title V permit.

Item 1- Sulfur in fuel limits as discussed above is in the Title V permit under conditions 37 and 38.

Item 2- Permissible particulate emission rate in pounds/mmbtu per 6 NYCRR Part 227-1.2 is in the Title V permit under condition 64.

Item 3- Opacity limited per 6 NYCRR Part 227.4 has since been replaced with more stringent opacity limits under 6 NYCRR Part 227-1.3. This is in the Title V permit under condition # 49.

Item 4- Continuous Opacity Monitor, is included in the Title V permit under condition # 49.

Item 5- Allows for the burning of waste from maintenance and operation of the facility in the boilers. This waste is regulated under 6 NYCRR Part 225-2. The waste is defined as Waste fuel A and must not contain chemical waste and meet limits for metal content as specified in the rule. This condition is included in the Title V permit under condition # 40 through 47.

Item 6 -Allows the permittee to spread some of the solid waste such as waste water sludge, sand blasting sand, coal filtering media and oily debris, subject to the requirements of 6 NYCRR 225-2, onto the coal pile. This is included in the Title V permit under condition # 48.

Item 7-Details the limits for NOx as established under 227-2. This is carried over into the Title V permit under condition #66 and 67.

Item 8 through 10 require the submission of a Preliminary CEMS monitoring plan for NOx, CEM certification protocol and allows for determining compliance through 40 CFR part 75. The CEM for NOx has been installed and is meeting the requirements of 40 CFR part 75 as listed in condition # 69.

Item 11-States the address for mailing reports. This is under condition 26 in the Title V permit.

Item 12-Requests a compliance plan for units 63 thru 66. The units meet the requirements of 227-2 for a Wall fired wet bottom boiler of 1.0 pounds of NOx per million btu. The facility also is allowed to do system wide averaging per 6NYCRR part 227-2.5(b). The system wide averaging condition is # 50 in the Title V permit. The NOx limit for boilers 63 thru 66, emission Unit 00001, is under condition # 60.

Item 13-States that the permit may be reopened in order to incorporate new applicable requirements. This is also stated in condition 18 of the Title V permit.

The November 20 1996 letter of special conditions was applicable to burning coal tar soils in Units 63 thru 66, emission unit 00001. During the 30 day comment period the applicant stated that they would no longer process coal tar soils at the facility and requested all permit conditions established under the November 20, 1996 permit to be excluded from the Title V permit.

(b) Boilers 63 through 66

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Boilers 63 through 66 have a start up date of February 1954 and no major modification or physical or operational changes requiring permit modifications. Emission limits are listed on the pre-existing permit for total particulate-0.17 mmbtu/hr, and Sulfur dioxide- 2.8 pounds/mmbtu . These are carried over in the title V permit for the particulate limit in condition 58 and for sulfur dioxide limit under condition 37 and 38. The annual emission limit box for both particulate and sulfur dioxide contains the number one. During initial permitting in the mid 1970's a number- or so -called "emission limit"- was required for each box, even if "not applicable"was more appropriate, in order to finalize the entry in the computer system. No annual limits are applicable to these units and none are listed in the title V permit. No "Special conditions" are specified at the bottom of the pre-existing permit for boilers 63 thru 66.

(c) Particulate matter limits for three welding booths and three welding tables.

The Huntley power plant operates three manual welders/booths and related welding table. These units were previously permitted and became exempt from permitting under the new 6 NYCRR part 201 filed June 7, 1996. Welding activities are listed as "Trivial" under 6 NYCRR part 201-3.3(c)(54). They are listed in the application as exempt from permitting and are not included in the Title V permit. The last pre-existing permit mentioned by the petitioner is for a wastewater treatment plant lime silo that utilizes a dust collector to control emissions. This is also an exempt activity under 6 NYCRR part 201-3.2(c)(27) and not listed in the Title V permit.

Huntley is still required by rule to maintain the equipment in compliance with other parts of chapter 6 NYCRR such as the grain loading and opacity limits in 6 NYCRR part 212.

**I. Monitoring**

The petitioner claims that the proposed Huntley Permit does not assure compliance with all applicable requirements. Several specific conditions are revised per suggestions from EPA.

**Facility -Specific Petition issues**

**1. Conditions 58 and 64 (Compliance with particulate Matter Limits for Boilers)**

EPA order- EPA determined that the monitoring included in condition 58 and 64 is not adequate to assure compliance with the applicable PM limit. One stack test per permit term to measure PM emissions from the six Huntley boilers is not sufficient "to yield reliable data from the relevant time period that are representative of the source's compliance with the permit," as required by 40 CFR 70.6 (a)(3)(B), according to EPA, and therefore, monitoring to meet the standard is necessary.

DEC response: conditions 58 and 64 have been removed and replaced with the following:

Condition 2-18 at the facility level and requires record keeping of maintenance , ESP operating parameters, malfunctions, corrective actions and related activities.

Condition 2-21 and 2-25 require annual stack tests to demonstrate compliance with the particulate limits for each of the 2 emission units.

Condition 2-22 and 2-24 require monitoring of ESP voltage as an indicator of ESP operating efficiency

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for each of the 2 emission units.

This permit sets an action level based on the average primary or secondary voltage for each ESP. The voltage level was established by Huntley's consultants' and plant operators' experience. Voltage provides a dependable parameter for tracking the operating conditions of the electrostatic precipitator and the integrity of internal components. As a general rule precipitator performance improves with any increase in voltage. Voltage will decrease if there are internal problems in the precipitator such as close tolerances, grounds. These voltage values will represent the minimum levels until future testing can prove otherwise. 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 available, and multiple times a shift otherwise. The department believes that implementation of this program, along with annual stack testing for particulate, rather than once per permit term (5 years), meets the requirements of 40 CFR § 70.6(a)(3).

**2. Condition 70 (Emission Limits for Coal Unloading and Handling Processes)**

Petitioner contends that the permit fails to assure that the facility will operate in ongoing compliance with emission limits that apply to coal unloading and handling.

EPA determined that the methods for assuring compliance with the emission limits that apply to coal handling may be appropriate but requested additional explanatory discussion in the condition.

DEC Response: This condition has been expanded and is now listed under 2-26. The following has been added:

Use water spray whenever any opacity is noted, maintain records of observations and corrective action. Daily opacity observations using method 22 are included for observations of the two reclaimer hoppers, stackout conveyor, rail car unloading building and marine vessel conveyor if on site. Records are required as well as corrective action if necessary with reporting semi-annually.

**J. Ash Silo Requirements**

The Petitioner alleges that certain compliance requirements designed to prevent future violations of the prohibition against introducing collected contaminants into the air are inappropriately placed on the "State only" side of the permit which is not federally enforceable. The issue is former condition 75 which cites the "nuisance" regulation codified in 6 NYCRR part 211.2 with monitoring to prevent silo overfill. EPA determined that the condition should be on the Federal side of the permit and suggested incorporation of requisite monitoring, record keeping and reporting requirements.

DEC response: The silo is actually an exempt activity because it vents to appropriate control equipment, i.e. the electrostatic precipitator, per 6 NYCRR part 201-3.2(27). The regulated process is the loading of trucks from the silo. The condition has been rewritten to include appropriate monitoring, record keeping and reporting relative to silo fill level and emptying and moved to the federal side of the permit under 6 NYCRR part 211.3, condition number 2-26

September 4, 2003 letter

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EPA's September 4, 2003 follow up letter to the August 6, 2003 EPA Order summarized the issues in the order and listed additional issues that may require permit revisions. The departments response to the additional issues follow.

**Section II A of the EPA order: Compliance Schedule**

The Huntley title V permit provided a compliance schedule for opacity relative to the facility boilers, and this schedule was not carried over into the October 29, 2001 permit. DEC must incorporate the compliance schedule or explain why such schedule is not necessary. In addition, if there is a resolution with respect to the PSD notice of violation, should be explained in the public notice or Permit Review report.

DEC response- As discussed above, this permit modification includes a compliance schedule for opacity. There has been no resolution yet with respect to the PSD Notice of Violation. When the PSD enforcement action is resolved, the Department will re-open and modify the Title V permit if necessary.

**Section II J of the EPA Order: Ash Silo requirements**

Condition 75, which relates to the ash silo must be moved from the State- only side to the federal side of the permit, because this emission unit is subject to several federally applicable requirements. In addition, appropriate periodic monitoring must be include in the revised permit for this unit.

DEC response- See response above under section J.

**Section II K of the EPA order: Annual Compliance Certification**

Upon re-opening of the Huntley Title V permit, the DEC must revise the "annual compliance certification" provision (Condition 26), by deleting the phrase "unless another quarter has been acceptable by the Department"

DEC Response- The language "unless another quarter has been acceptable by the Department" allows for the facility to request reporting on a different quarter. This must be approved by the Department and would include a written request with a subsequent revision to the permit. All of the periodic monitoring conditions in the permit have a specific reporting requirement which is consistent throughout the permit and Huntley has submitted reports accordingly for several years. The change has not been made as requested.

**Conditions 35 through 39 of the Huntley Title V permit of 10/29/2001**

Each of these 5 conditions, which relate principally to fuel sulfur content, reference the State-approved regulations rather than the SIP-approved rules. This needs to be corrected to properly reference SIP approved regulations for conditions on the federal side of the permit.

DEC response- Conditions 35, 37, 38 and 39 specify limits that are identical to that in the SIP approved regulation, 6 NYCRR 225.1, and therefore are still federally enforceable. In addition, 6 NYCRR part

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225.1 was renumbered as 225-1 and therefore is not cited in this permit. Condition 35 is a state only enforceable limit for fuel oil of 1.5 % sulfur by weight that is more stringent than the federal level of 2.0% and has been moved to the State side of the permit.

**Attainment Status**

HUNTLEY STEAM GENERATING STATION is located in the town of TONAWANDA 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.)

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

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

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

**Facility Description**

Huntley Steam Generating Station is located on the shore of the Niagara River in Tonawanda, N.Y. This plant's primary fuel is coal with oil startup. The station has six boilers, numbered 63 through 68. The six boilers are discussed in two groupings: 1) U0001- Units 63 through 66 and 2) U0002- Units 67 and 68. Both stacks have continuous emission monitors (CEM's) for Sulfur Dioxide (SOx), Nitrogen Oxide (NOx) and Continuous Opacity Monitors (COM's).

Units 63-66 are wet-bottom, arch fired boilers, manufactured by Babcock and Wilcox. Arch-fired refers to a firing configuration wherein pulverized coal is input into the furnace from an inclined roof and the flame is angled down. Distillate fuel is used primarily for start-up and flame stabilization. The



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maximum heat input for Unit 63 is 1028 mmbtu/hr, 1001 mmbtu/hr for Unit 64, and is 906.8 mmbtu/hr for Units 65 and 66 each. These units were installed between 1942 and 1953. Units 63 through 66 each have an electrostatic precipitator and all four of these boilers exhaust through a common stack.

The other two boilers, Units 67 and 68, are tangential-fired units that fire pulverized coal, and were manufactured by Combustion Engineering. Distillate fuel oil is used primarily for start- up and flame stabilization. The maximum heat input for Units 67 and 68 is 1836 mmbtu/hr each. Unit 67 was installed in 1957 and Unit 68 was installed in 1958. Low Nitrogen Oxide burners were installed on both units prior to May 31, 1995. Units 67 and 68 each have an electrostatic precipitator and both boilers exhaust through a common stack.

There are also fugitive emissions from coal handling operations at the facility. These are classified under U0003 in the permit. Coal arrives at the site by rail, marine vessel, or truck. Coal is transported underground, enclosed or covered, conveyors throughout the coal handling system except for:

- Two reclaim hoppers;
- Truck dumping;
- The stackout conveyor;
- The rotary rail car dumper; and
- Unloading of marine vessels.

Coal is stored in an outdoor storage pile.

**Permit Structure and Description of Operations**

The Title V permit for HUNTLEY STEAM GENERATING STATION 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 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.

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

Emission unit U00003 - Emission Unit U00003 consists of coal storage piles and associated coal handling equipment. enclosed or covered, conveyors throughout the coal handling system, except for: enclosed or covered, conveyors throughout the coal handling system, except for: (1) two reclaim hoppers; (2) the stackout conveyor; (3) the rotary car dumper (for unloading rail cars); and (4) unloading of marine vessels. The emission unit consists of four process: P31, rail car unloading and the stackout conveyor ; P32, marine vessel unloading; P33, truck unloading; and P34, the coal storage pile. Fugitive particulate matter are the only emissions from these processes. All conveyors and breakers are enclosed, with no potential for emissions to the outside air.

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

Process: P31 is located at Building Rail car - Coal arriving at the station by rail car is unloaded at the rotary car dumper where coal is dumped into a hopper. Coal is transported on conveyor C-1A to Junction House 1-2, and onto conveyor C-2. C-2 transports coal to Junction House 2-3-12, where it can be directed into the plant (the bunkers) or to 1 of 2 breakers. From the coal breaker, the coal is transported by a series on conveyors to either the coal storage bunkers or the stackout conveyor which drops coal to the stackout pile. Process P31 contains 3 emission sources: S0005, the rail cars while waiting to be unloaded; S0006, dumping coal from the rail cars; and S0007, the stackout conveyor. Hourly and annual thruput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Process: P32Coal that arrives by marine vessel is unloaded directly onto the coal pile. Coal unloading is the only emission source (S0008) associated with process P32. Hourly and annual thruput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation.

Process: P33Coal that arrives by truck can be dumped in one of several places. This dumping operation is the only emission source (S0009) associated with process P33. Hourly and annual thruput estimates are provided (as needed) in the emission calculation section of the Supporting Documentation

Process: P34This 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.Hourly and annual thruput estimates are provided (if needed) in the emission calculation section of the Supporting Documentation.

Emission unit U00002 - Emission Unit U00002 consists of 2 boilers: Unit 67, maximum heat input of 1836 mmBtu/hr; and Unit 68, maximum heat input of 1836 mmbtu/hr. The emission sources associated with this unit primarily fire coal, but they also fires a variety of other materials/ fuels as described in the process descriptions for the three processes P21,P22, & P23. Emission Unit 2 consists of emission point 00002, (the stack), emission source S0063 (boiler #67), emission source S067C (electrostatic precipitator), emission source S0068 (boiler #68), and emission source S068C (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 1, Building STATION 1 - Process P21 designates burning distillate oil only. Regulation restricts the sulfur content in the oil to a state enforceable limit of 1.5% by weight and a federally enforceable limit of 2.0% by weight maximum and 1.7 % by weight 3-month rolling average. Distillate oil is also used during start-up operations. Sulfur emission limitations cited in 6 NYCRR 225-1.2 apply during these operations. Other requirements associated with this process do not apply during

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startup.

Process: P22 is located at 1, Building STATION 2 - Process P22 designates burning coal in boilers 67 & 68. DEC regulations restrict the sulfur content in the coal, these limits are now expressed in units of (lb SO<sub>2</sub> emissions)/MM Btu. This also allows co-firing of distillate oil, wastewater treatment plant sludge, boiler cleaning chemicals, sand, sandblasting sand, coal filtering media, and oily debris. Huntley Power is granted the flexibility to burn these materials generated on-site only. Huntley Power is also granted the flexibility to burn other materials not currently specified as part of this process provided they do not violate or change the requirements applicable to this process and are generated on-site. Hourly and annual fuel consumption estimates are provided (as needed) in the emission calculation section of the Supporting Documentation. Records of the type and quantity of material disposed of will be maintained.

Process: P23 is located at 1, Building STATION 1 - Process P23 is identical to process P22, except Waste Fuel A is also being fired or co-fired in this process. Records shall be maintained as to type and quantity of waste fuel burned.

Emission unit U00001 - Emission Unit U00001 consists of 4 boilers: Unit 63, maximum heat input of 1028 mmBtu/hr; Unit 64, maximum heat input of 1001 mmBtu/hr; and Unit 65, maximum heat input of 906.8mmBtu/hr; and Unit 66, maximum heat input of 906.8 mmBtu/hr. The emission sources associated with this unit primarily fire coal, but they also fire a variety of other materials/ fuels as described in the process descriptions for the four processes P11, P12, P13, & P14. Emission Unit 1 consists of emission point 00001, (the stack), emission source S0063 (boiler #63), emission source S063C (electrostatic precipitator), emission source S0064 (boiler #64), emission source S064C (electrostatic precipitator), emission source S0065 (boiler #65), emission source S065C (electrostatic precipitator), emission source S0066 (boiler #66), and emission source S066C (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 1, Building STATION 2 - Process P11 designates burning distillate oil only. Regulations restrict the sulfur content in the oil to a state enforceable limit of 1.5% by weight and a federally enforceable limit of 2.0% by weight maximum and 1.7 % by weight 3-month rolling average. Distillate oil is also used during start-up operations. Sulfur emission limitations cited in 6 NYCRR 225-1.2 apply during these operations. Other requirements associated with this process do not apply during startup.

Process: P12 is located at 1, Building STATION 1 - Process P12 designates burning coal. DEC regulations restrict the sulfur content in the coal, these limits are now expressed in units of lb SO<sub>2</sub> emissions/MM Btu. This process also allows co-firing of distillate oil, wastewater treatment plant sludge, boiler cleaning chemicals, sand, sandblasting sand, coal filtering media, and oily debris. Huntley Power is granted the flexibility to burn these materials generated on-site. Also granted is the flexibility to burn other materials generated on-site not currently specified as part of this process provided they do not violate or change the requirements applicable to this process. Hourly and annual fuel consumption estimates are provided (as needed) in the emission calculation section of the Supporting Documentation. Records of the type and quantity of material disposed of will be maintained.

Process: P13 is located at 1, Building STATION 2 - Process P13 is identical to process P12, except Waste Fuel A is also being fired or co-fired in this process. Records of quantity and type of fuel burned will be maintained. Huntley Power is granted the flexibility to burn Waste Fuel A generated on-site only.

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**Title V/Major Source Status**

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

The Huntley Steam Generating Station is a major source of air pollutants as defined in section 302 of the Clean Air Act. The facility directly emits greater than 100 tons per year of Particulate, Sulfur Dioxide and Nitrogen Oxides, greater than 50 tons per year of Volatile Organic Compound, and Hazardous Air Pollutants greater than the applicable major source threshold.

**Program Applicability**

The following chart summarizes the applicability of HUNTLEY STEAM GENERATING STATION with regards to the principal air pollution regulatory programs:

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

**NOTES:**

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

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

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

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

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

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

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

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

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

### Compliance Status

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

Compliance Schedule:

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

**Compliance Discussion:**

HUNTLEY STEAM GENERATING STATION is in violations of the following requirement(s):

The New York State Department of Environmental Conservation has issued a Notice Of Violation (NOV) for three separate issues at NRG, Huntley Power LLC, as follows:

- 1) NOV for opacity violations above the standards in 6 NYCRR part 227-1. An order for violations of the opacity standard has been settled with the previous owners of the Huntley power plant, Niagara Mohawk Power Corporation, for violations up to the transfer of ownership date of June 10, 1999. The new owners, NRG, were issued an NOV for opacity violations beginning with the third quarter of 1999. The attorneys are in the process of addressing this issue. A compliance schedule is included in this permit modification per the EPA order
- 2) NOV for violation of 40 cfr 52.21, Prevention of Significant Deterioration, issued May 25, 2000. The notice alleges violations of the Clean Air Act and the Environmental Conservation Law by performing modifications intended to extend the useful life, regain lost generating capacity, and/or increase capacity at the coal fired power plant without installing the required pollution control equipment. This is an issue that has also been taken up with many utilities in the mid west.
- 3) NOV for violation of 6 NYCRR part 201-1.8, Reintroduction of collected contaminants to the air. The flyash silo used to store all ash collected from burning of coal at the 6 boilers was overfilled on Sunday, November 27, 2000, causing the pressure relief valve to open. The incident impacted nearby residents with ash fallout. The management of Huntley Steam Station quickly hired contractors to clean up the material and addressed the problem with the silo overfill. A new gauge has been installed, a heat gun is used as a second check of silo ash level, level indicator updated and additional gauge and alarm installed in the boiler control room, new pressure relief valve, as well as more frequent emptying of the silo on weekends. The silo vent is connected to one of the boiler electrostatic precipitator. This order has been settled.

As stated in the permit under 6NYCRR part 201-6.5(g), " 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 currently pending or future legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the applicant 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), and particularly any such enforcement action as may be authorized pursuant to 6NYCRR 201-1.2 and 6 KNOCKER 201-6.5(g)..."

The above violations are being resolved by the attorneys and any resulting modifications required to maintain compliance will be included in the permit.

**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

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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
1-01-002-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (BITUMINOUS COAL)
1-01-002-12	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (TANGENTIAL) (BITUMINOUS COAL)
1-01-002-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: WET BOTTOM (BITUMINOUS COAL)
3-05-010-11	MINERAL PRODUCTS COAL MINING, CLEANING & MATL HANDLING (SEE 3-05-310 FOR DIFF UNITS) MINERAL PROD - COAL MINING, CLEANING & MATL HANDL: COAL TRANSFER

### Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract 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 TOXIN (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
007440-48-4	COBALT (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
007439-96-5	MANGANESE (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
007704-34-9	SULFUR		>= 250 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.

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**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.

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

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(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 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

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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)**

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

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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)**

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),

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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 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

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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.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

- Item A: General Provisions for State Enforceable Permit Terms and Condition -**

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**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**

<b>Location Facility/EU/EP/Process/ES</b>	<b>Regulation</b>	<b>Short Description</b>	<b>Condition</b>
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U-00003	40CFR 60-Y.252 (c)	Standards of Performance for Coal Preparation Plants -standards for particulate matter	2-33
FACILITY	40CFR 68	Chemical accident prevention provisions	2-21
FACILITY	40CFR 72-A.6 (a) (1)	The Title IV Phase 1 units are at Dunkirk, Greenidge, Milliken, Northport and Port Jefferson stations only.	54
FACILITY	6NYCRR 201-1.4	Unavoidable noncompliance and violations	2-35
FACILITY	6NYCRR 201-6	Title V Permits and the Associated Permit Conditions	24, 56, 57
FACILITY	6NYCRR 201-6.5 (c)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	2-1
FACILITY	6NYCRR 201-6.5 (c) (2)	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring	2-2
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FACILITY	6NYCRR 202-2.1	Emission Statements - Applicability	30
FACILITY	6NYCRR 202-2.5	Emission Statements - record keeping requirements.	31
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FACILITY	6NYCRR 204-4.1	Compliance Certification Report	2-6
FACILITY	6NYCRR 204-7.1	Submission of NOx Allowance Transfers	2-7
FACILITY	6NYCRR 204-8.1	General Requirements	2-8
FACILITY	6NYCRR 204-8.2	Initial Certification and Recertification Procedures	2-9
FACILITY	6NYCRR 204-8.3	Out of Control Periods	2-10
FACILITY	6NYCRR 204-8.4	Notifications	2-11
FACILITY	6NYCRR 204-8.5	Recordkeeping and Reporting	2-12
FACILITY	6NYCRR 204-8.7	Additional Requirements to Provide Heat Input Data for Allocations Purposes	2-13
FACILITY	6NYCRR 211.2	General Prohibitions - air pollution prohibited.	73
FACILITY	6NYCRR 211.3	General Prohibitions - visible emissions limited	2-14
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FACILITY	6NYCRR 225-1.2 (a) (2)	Sulfur in Fuel Limitations Post 12/31/87.	2-15, 2-16, 2-17, 2-36
FACILITY	6NYCRR 225-2.3 (b) (1)	Eligibility to burn waste fuel A.	40
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FACILITY	6NYCRR 225-2.4 (b)	Eligibility to burn waste fuels A and B.	42, 43, 44, 45, 46
FACILITY	6NYCRR 225-2.7 (e)	Reports, sampling and analysis of waste fuels A and B.	47
FACILITY	6NYCRR 227-1.2 (a) (4)	Particulate Emissions Firing Solid Fuels.	48
U-00001/00001/P12	6NYCRR 227-1.2 (b)	Particulate Emissions from 2 or More Connected Furnaces.	2-25, 2-26
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**Applicability Discussion:**

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

ECL 19-301.

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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.

#### 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.

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6NYCRR Part 201-6.5(g)

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

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.

6 NYCRR Part 211.3

This condition requires that the opacity (i.e., the degree to which emissions other than water reduce the transmission of light) of the emissions from any air contamination source be less than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent.

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.

**Facility Specific Requirements**

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

40CFR 60-Y.252 (c)

This section of the regulation is applicable to the 2 reclaimer hoppers, the stack out conveyor and unloading of marine vessels. Opacity is limited to 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.

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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.

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 do 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.

6NYCRR 204-8.5

This section of the NOx budget regulation specifies the record keeping and reporting requirements of the regulation.

6NYCRR 204-8.7

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

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.

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

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

6NYCRR 225-2.4 (b)

This regulation sets the limits for the compounds that may be in Waste Fuel A or B. These are: PCB less than 50 parts per million (ppm); Total Halogens less than 1,000 ppm; Sulfur less than the limits in Part 225-1; Lead less than 250 ppm; and a minimum gross heat content of 125,000 BTU/Gallon

6NYCRR 225-2.7 (e)

This regulation requires the owner or operator to sample and analyze the waste fuel in a manner acceptable to the Department.

6NYCRR 227-1.2 (a) (4)

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

6NYCRR 227-1.2 (b)

This section of the regulation limits the amount of particulate emissions based on pounds per million btu heat input.

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 227-1.4 (a)

Subdivisions (a) and (f) of this section (227-1.4) have not been approved by EPA and have not been included in the NYS SIP.

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 emission limitations for very large boilers.

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

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already in place on the unit, then excess reductions may only be counted from below that emission rate.

6NYCRR 227-2.6 (b) (5)

This section of the regulation allows for the continuous monitors to meet the requirements for 40 cfr part 75 (Acid Rain regulation) in lieu of those specified in 40 cfr part 60.

6NYCRR 237-1.4 (a)

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

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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

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 condition states that an SO2 budget unit shall comply with the monitoring and reprotog requirements of 40 cfr part 75 for SO2 emissions.

**Compliance Certification**

Summary of monitoring activities at HUNTLEY STEAM GENERATING STATION:

<b>Location</b>	<b>Type of Monitoring</b>	<b>Cond No.</b>
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**Basis for Monitoring**

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The Stationary Combustion installations are subject to sulfur in fuel limits specified in the New York State Code, Rules, Regulation (NYCRR) part 225-1.2(c) and (d). Limits for sulfur in distillate oil, used during startup, is 1.5% by weight and monitored by supplier fuel receipt and analysis. The sulfur in oil limit of 1.5 % is not currently accepted in New York States approved State Implementation Plan therefore the less stringent limit of 2.0% for distillate oil is also listed on the federally enforceable side of the permit. The sulfur in coal limits are 1.7 pounds of Sulfur/mmbtu, maximum and 1.4 pounds of sulfur/mmbtu , 3 month average rolled monthly. Compliance with the sulfur in coal limits are measured with continuous emission monitors for sulfur dioxide (SO<sub>2</sub>) which are maintained in the stack. The equivalent SO<sub>2</sub> limits are 3.4 and 2.8 respectively. The SO<sub>2</sub> emissions are also subject to the Acid Rain Provisions of the Clean Air Act (CAA), Title IV and are include in a separate permit which is attached as Appendix A to this permit. Title IV of the CAA established a national cap for SO<sub>2</sub> emissions from utility size boilers and designated a number of allowances (tons/year of SO<sub>2</sub>) for each affected unit. These allowance can be bought or sold on a competitive market system. The acid rain program also established Nitrogen Oxide (NO<sub>x</sub>) emission limits in Pounds/mmbtu. All units subject to Title IV were required to install CEMS for NO<sub>x</sub>, SO<sub>2</sub>, and flow rate that meet the requirements of 40 cfr part 75. The CEM data is also used to determine compliance with the Sulfur/SO<sub>2</sub> requirements in 6 NYCRR part 225-1. Exceedances are reported quarterly.

Included in the permit are limits for Nitrogen Oxide (NO<sub>x</sub>) emissions under 6 NYCRR part 227-2, Reasonable Available Control Technology (RACT) and 6NYCRR part 227-3, NO<sub>x</sub> budget program. The RACT regulations were established under the requirements of Title 1 in the CAA which is designed to require measures that will allow nonattainment areas to attain the National Ambient Air Quality Standards. Western New York is considered marginal nonattainment for Ozone, (NO<sub>x</sub> is a ozone precursor) because emissions from plants in this area impact down wind receptors. Emissions as far as the mid west can contribute to high readings in the east. Limits for NO<sub>x</sub> in pounds/mmbtu based on a 24 hour average as well as a 30 day average are stated. The 24 hour average and 30 day average allow for compliance to be determined by averaging emissions from a system or group of sources which includes the following NRG facilities: Dunkirk Station, Huntley Station, Arthur Kill, Astoria Gas Turbines and Oswego Station. The System Wide NO<sub>x</sub> RACT Compliance plan is detailed in a report from NRG consultant, Air Resources Group , to this department dated 2/25/2000 and is attached to this permit in Appendix B. The NO<sub>x</sub> Budget rule establishes a NO<sub>x</sub> emissions budget and allowance program which acts as a mechanism to reduce NO<sub>x</sub> emissions from budget sources during each control period in an efficient manner similar to the SO<sub>2</sub> acid rain program. This was born from the requirements in Title IV of the CAA.

The Emissions of particulate are limited under 6 NYCRR part 227-1 in pounds/mmbtu and is based on total heat input to the boiler. Both Emission unit 1 and 2 are equipped with Continuous Opacity Monitors (COM) for determining compliance with the opacity standards in 6 NYCRR part 227-1. The COMS are maintained in accordance with the specifications in 40 CFR part 75 and exceedances reported quarterly.

6NYCRR part 211.3 contains an opacity limit similar to that specified under 6 NYCRR part 227-1 for boilers except that it applies to any source that may not be subject to a more stringent limitation. This is included in New York State SIP and is mentioned in the permit as a requirement. 6 NYCRR part 211.2 is included on the State side of the permit and prohibits air pollution of such quantity that would interfere with the comfortable enjoyment of life or property. Areas of concern listed under 6 NYCRR 211.2 are fugitive emissions from sources such as the silo dump station and roadways. A condition has been included that requires Huntley to maintain emissions to a minimum at these sources.

**New York State Department of Environmental Conservation**

**Permit Review Report**

**Permit ID: 9-1464-00130/00020    Modification Number: 2**

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Also applicable to the coal handling operations listed under Emission Unit 00003 is the New Source Performance Standard subpart Y, Standards of Performance for coal Preparation Plants. This is applicable to coal rail car unloading, conveyor belt transfer points coal storage and the breaker building. The opacity limit is 20% using method 9 to determine compliance.