

New York State Department of Environmental Conservation

Permit Review Report

Permit ID: 9-2911-00113/00039 Modification Number: 1



03/21/2003

Facility Identification Data

Name: AMERICAN REF-FUEL CO NIAGARA,PL
Address: 100 ENERGY BLVD AT 56TH STREET
City: NIAGARA FALLS
Zip: 14304

Owner/Firm

EF-FUEL CO

City: MONTVALE
State: NJ Country: USA Zip: 07645
Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:
Name: STUART M FOX
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625 BROADWAY

Division of Air Resources:
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625 BROADWAY

Air Permitting Facility Owner Contact:

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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 adds the requirements of 6 NYCRR Part 219-7.2. It limits the emissions of mercury to 28 micrograms per dry standard cubic meter or 85% reduction, whichever is less stringent.

Attainment Status

AMERICAN REF-FUEL CO NIAGARA,PL is located in the town of NIAGARA FALLS in the county of NIAGARA.

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

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

* 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

Description

The site consists of two dba furnace/boiler systems combusting solid wastes. One alternate fuels combustion system, one fossil fuel fired boiler and one fuel oil fired boiler system are also located at the site. The site has all other auxiliary equipment which is associated with a facility of this type. Including, but not limited to the following: an enclosed tipping hall, ash loadout area, cooling tower, and various storage areas. Steam which is generated at the site is supplied to an industrial consumer located adjacent to the facility. Additional steam is directed to a turbine generator to produce electricity. The electricity is used to power the facility, and excess electricity is sold to the local utility. The oil fired burner is controlled by American Ref-Fuel through a lease agreement. The major sources of emissions at the site are the two dba boilers, alternate fuels boiler, two fossil-fueled fired boilers and ash loadout area. All other activities at the site are categorized as exempt, trivial or insignificant as defined in 6nycrr part 201-3.2, 201-3.3, and 201-6.3(d) 7, respectively.

This permit is being modified to add emission limits for mercury under 6 NYCRR Part 219-7.2. The limits for emissions of mercury are 28 micrograms per dry standard cubic meter or 85% reduction.

Permit Structure and Description of Operations

The Title V permit for AMERICAN REF-FUEL CO NIAGARA,PL 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



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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.

AMERICAN REF-FUEL CO NIAGARA,PL is defined by the following emission unit(s):
Emission unit U00001 - THIS EMISSION UNIT CONSISTS OF A SINGLE EMISSION POINT WHICH IS A FLUE FROM THE EXHAUST OF TWO DEUTSCHE BABCOCK ANLAGEN (DBA) MASS BURN TYPE MUNICIPAL WASTE COMBUSTORS (MWCs). THE TWO SYSTEMS ARE IDENTICAL AND INDEPENDENT UP TO THE STACK WHERE THE FLUES BECOME COMMON. THE WASTE TO ENERGY SYSTEMS ARE PERMITTED TO PROCESS WASTES INCLUDING HOUSEHOLD, COMMERCIAL, AND INDUSTRIAL NON-HAZARDOUS WASTES.

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

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

Process: AL1 is located at Building STACK - THIS PROCESS REPRESENTS ALL OPERATING SCENERIOS (THAT IS START-UP, SHUT DOWN, MALFUNCTIONS AND COMBUSTION OF MUNICIPAL SOLID WASTE) FOR THE LONG TERM EMISSION LIMITS (TONS PER YEAR). THE FACILITY SHALL COMPLY WITH THE EMISSION LIMITS ASSOCIATED WITH THIS PROCESS.

Process: MSW is located at Building STACK - THE TWO IDENTICAL DBA SYSTEMS COMBUST SOLID WASTES WHICH INCLUDE RESIDENTIAL, COMMERCIAL AND INDUSTRIAL NON-HAZARDOUS WASTES. ALL WASTES ARE COMBUSTED FOR THE PURPOSE OF DISPOSAL AND ENERGY RECOVERY. FOR PERIODS OF STARTUP, SHUTDOWN, OR MALFUNCTION, THE FACILITY WILL UTILIZE THE PROCEDURES IN 40 CFR 60.58A (A) TO ASSESS COMPLIANCE. ALSO THE MALFUNCTION AND EMERGENCY DEFENSE PROVISIONS OF 6 NYCRR PART 201-1.4 AND 201-1.5 APPLY TO THE FACILITY.

Process: STS is located at Building STACK - THIS PROCESS ID IS FOR THE START UP, SHUT DOWN AND MALFUNCTIONS SITUATION. FOSSIL FUELS (NATURAL GAS AND LOW

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SULFUR DISTILLATE OIL ONLY) SHALL BE USED DURING THE START UP, SHUT DOWN, AND OTHER UPSET CONDITIONS ON AN "AS NEEDED" BASIS.

Emission unit U110EF - THIS EMISSION UNIT CONSISTS OF THREE EMISSION POINTS (BOILERS) WHICH ARE EP R1B01 (EXISTING EFW1 RECONFIGURED WITH LOW NOX BURNERS OR RECONFIGURED EXISTING BURNERS IF PERMIT LIMITS CAN BE MET AND NOX CEMS INSTALLED), EP R1B02 (EXISTING EFW2) AND EP 00003 (B-110). ALL THREE BOILERS ARE PERMITTED TO COMBUST FOSSIL FUELS (I.E., LOW SULFUR DISTILLATE OIL AND NATURAL GAS). IN ADDITION, R1B02 IS ALLOWED LIMITED COMBUSTION OF ALTERNATE FUELS (ALT) WHICH CONSIST PRIMARILY OF WASTE WOOD.

Emission unit U110EF is associated with the following emission points (EP):

1B01, R1B02

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

Process: AL2 is located at Building EFW12 - THIS PROCESS ID REPRESENTS ALL FIVE PROCESSES FOR THIS EMISSION UNIT (i.e., OIL, GAS, ALT, OAG and STH) COMBINED FOR ANY PARTICULAR CONTAMINANT LISTED IN THE PROCESS EMISSION SUMMARY OR EMISSION UNIT COMPLIANCE CERTIFICATION.

Process: ALT is located at Building EFW12 - THIS PROCESS INVOLVES THE COMBUSTION OF ALTERNATE FUELS IN EMISSION POINT R1B02. DURING COMBUSTION OF THIS PROCESS, COMBUSTION OF DISTILLATE FUEL OIL IS PROHIBITED IN OTHER TWO FOSSIL FUEL FIRED BOILERS (I.E., R1B01 AND B-110). THE TYPE OF ALTERNATE FUEL THAT IS PROCESSED SHALL BE APPROVED BY NYSDEC REGION 9 AIR POLLUTION CONTROL ENGINEER. R1B01 IS PERMITTED TO FIRE NATURAL GAS WHILE R1B02 IS BURNING ALTERNATE FUELS.

Process: GAS is located at Building EFW12 - THIS PROCESS INVOLVES THE COMBUSTION OF GAS IN ANY ONE OR ALL OF THE THREE EMISSION POINTS (R1B01, R1B02 OR B110). PRECIPITATOR OPERATION IS NOT REQUIRED WHEN BURNING GAS.

Process: OAG is located at 00000BLR50, Building EFW12 - THIS PROCESS INVOLVES THE COMBUSTION OF LOW SULFUR DISTILLATE OIL AND NATURAL GAS IN THE THREE FOSSIL-FUELED FIRED BOILERS (i.e., R1B01, R1B02 AND B-110 FOR THE EMISSION UNIT U-110EF). ALL THREE BOILERS MAY OPERATE SIMULTANEOUSLY AT THEIR MAXIMUM RATED HEAT INPUT PROVIDED: 1) R1B01 AND R1B02 FIRING NATURAL GAS WHEN B-110 FIRING LOW SULFUR DISTILLATE OIL; 2) NOT MORE THAN ONE OUT OF THE TWO MASS BURN INCINERATORS (EMISSION UNIT U-00001) FIRING MSW AND; 3) ALTERNATE FUELS (ALT) IS NOT COMBUSTED WHEN COMBUSTING DISTILLATE OIL IN ANY ONE OF THE FOSSIL-FUELED BOILERS. NOTE: ONLY TWO FOSSIL-FUELED FIRED BOILERS MAY BE IN OPERATION WHEN TWO DBA BOILERS ARE ON LINE.

Process: OIL is located at 00000BLR50, Building EFW12 - THIS PROCESS INVOLVES THE COMUBSTION OF LOW SULFUR DISTILLATE OIL IN ANY ONE OR ALL OF THE THREE EMISSION POINTS (R1B01, R1B02 OR B-110).

Process: STH is located at 00000BLR50, Building EFW12 - THIS PROCESS INVOLVES THE START UP, SHUT DOWN, AND UPSET CONDITIONS OF EMISSION UNIT U-110EF. NATURAL GAS OR LOW SULFUR DISTILLATE OIL IS USED TO BRING EACH BOILER ON-LINE AND OFF-LINE. PRECIPITATOR OPERATION IS NOT REQUIRED WHEN NATURAL

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GAS OR OIL IS FIRED. BOILER B-110 DOES NOT HAVE A PRECIPITATOR.

Emission unit UASHBD - THIS EMISSION UNIT CONSISTS OF A VENTILATION SYSTEM FOR THE ASH LOADOUT BUILDING. ALL VENTILATION DUCTS LEAD TO A BAGHOUSE AIR POLLUTION CONTROL DEVICE AND THEY ARE VENTED TO THE ATMOSPHERE.

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

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

Process: VNT is located at Building ALOBD - THIS PROCESS INVOLVES THE OPERATION OF THE ASH LOADOUT SYSTEM.

Title V/Major Source Status

AMERICAN REF-FUEL CO NIAGARA,PL is subject to Title V requirements. This determination is based on the following information:

This facility is subject to Title V permitting due to emissions of oxides of nitrogen.

Applicability

The following chart summarizes the applicability of AMERICAN REF-FUEL CO NIAGARA,PL with regards to the principal air pollution regulatory programs:

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

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NOTES:

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

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

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

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

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

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

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

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

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bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements

SIC Codes

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

SIC Code	Description
4939	COMBINATION UTILITY SERVICES
4953	REFUSE SYSTEMS

SCC Codes

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

SCC Code	Description
1-02-005-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-02-006-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - NATURAL GAS Over 100 MBtu/Hr
1-02-009-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - WOOD/BARK WASTE Bark-Fired Boiler (> 50,000 LB Steam)
5-01-004-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - LANDFILL DUMP FUGITIVE EMISSIONS
5-01-001-02	SOLID WASTE DISPOSAL - GOVERNMENT SOLID WASTE DISPOSAL: GOVERNMENT - MUNICIPAL INCINERATION Mass Burn: Single Chamber

Facility Emissions Summary

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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 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
051207-31-9	2,3,7,8-TETRACHLORODIBENZOFURAN(HAP)	> 0	but < 2.5 tpy
001746-01-6	2,3,7,8-TETRACHLORODIBENZO-P-DIOXIN(HAP)	> 0	but < 10 tpy
007664-41-7	AMMONIA	>= 10	tpy but < 25 tpy
007440-36-0	ANTIMONY(HAP)	> 0	but < 10 tpy
007440-38-2	ARSENIC(HAP)	> 0	but < 10 tpy
068131-74-8	ASHES (RESIDUES)	> 0	but < 2.5 tpy
007440-41-7	BERYLLIUM(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
016065-83-1	CHROMIUM (III)(HAP)	> 0	but < 10 tpy
007440-48-4	COBALT(HAP)	> 0	but < 10 tpy
007440-50-8	COPPER	> 0	but < 2.5 tpy
000050-00-0	FORMALDEHYDE(HAP)	> 0	but < 10 tpy
007647-01-0	HYDROGEN CHLORIDE(HAP)	>= 10	tpy
007664-39-3	HYDROGEN FLUORIDE(HAP)	> 0	but < 10 tpy
007783-06-4	HYDROGEN SULFIDE	>= 2.5	tpy but < 10 tpy
007439-92-1	LEAD(HAP)	> 0	but < 10 tpy
007439-96-5	MANGANESE(HAP)	> 0	but < 10 tpy
007439-97-6	MERCURY(HAP)	> 0	but < 10 tpy
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	>= 50	tpy but < 100 tpy
0NY075-00-5	PM-10	>= 250	tpy
001336-36-3	POLYCHLORINATED BIPHENYL(HAP)	> 0	but < 10 tpy
130498-29-2	POLYCYCLIC AROMATIC HYDROCARBONS(HAP)	> 0	but < 10 tpy
007782-49-2	SELENIUM(HAP)	> 0	but < 10 tpy
007446-09-5	SULFUR DIOXIDE	>= 250	tpy
007664-93-9	SULFURIC ACID	>= 40	tpy but < 50 tpy

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007440-62-2	VANADIUM	> 0 but < 2.5 tpy
0NY998-00-0	VOC	>= 50 tpy but < 100 tpy
007440-66-6	ZINC	> 0 but < 2.5 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Sealing - 6NYCRR Part 200.5

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

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

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

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

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

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

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

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

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

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

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

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

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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 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.

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

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

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

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

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

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

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

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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:

- 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

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

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

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

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

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- 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)

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.

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Proceedings to reopen and issue Title V facility permits shall follow the same procedures as apply to initial permit issuance but shall affect only those parts of the permit for which cause to reopen exists.

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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

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Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

Item CC: Federally Enforceable Requirements - 40 CFR 70.6(b)
All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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

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

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

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Short Description	Condition
FACILITY	ECL 19-0301.	Powers and Duties of the Department with respect to air pollution control	1-8
U-110EF/00003/OAG/COMBU	40CFR 52-A.21(i)(3)	Applicability	99, 100



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U-00001/00001/MSW/FABRI	40CFR 60-Cb.33b(d)	Emission Guidelines	73
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FACILITY	40CFR 60-Cb.38b	Compliance and performance testing.	32
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U-110EF/-/OAG	40CFR 60-D.42	Standard for Particulate Matter	94
FACILITY	40CFR 68.	Chemical accident prevention provisions	1-6
FACILITY	40CFR 82-F.	Protection of Stratospheric Ozone - recycling and emissions reduction	1-7
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U-00001/00001/MSW/SPRAY 6NYCRR 617.11(d)(5)

Decision-making and
findings requirements

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Applicability Discussion:

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

ECL 19-301.

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

6NYCRR Part 200-.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6NYCRR Part 200-.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

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.

art 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;

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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

by the permit.

6NYCRR Part 201-6.5(e)

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

6NYCRR Part 202-2.1

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

Part 202-2.5

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

6NYCRR Part 211-.2

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

40 CFR Part 68.

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

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act Amendments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers,

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appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, AMERICAN REF-FUEL CO NIAGARA, PL has been determined to be subject to the following regulations:

40CFR 52-A.21 (i) (3)

The applicant requires such a permit if they are a major stationary source or major modification that would be constructed in an area designated as attainment or unclassifiable.

40CFR 52-A.21 (j) (2)

BACT determinations are made on a case-by-case basis and can be no less stringent than any requirement that exists in the current State Implementation Plan (SIP) or 40 CFR 60 and 61. Emission and operational limitations required from a BACT determination will have to be entered into the special permit conditions, separately by the permit reviewer.

40CFR 60-Cb.33b (a) (1) (i)

This section sets forth the emission limit for particulate matter contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for particulate matter is 27 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

40CFR 60-Cb.33b (a) (1) (iii)

This section sets forth the emission limit for opacity exhibited by the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for opacity is 10 percent (6 minute average).

40CFR 60-Cb.33b (a) (2) (i)

This section sets forth the emission limit for cadmium contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for cadmium is 0.040 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

40CFR 60-Cb.33b (a) (2) (iii)

This section sets forth the emission limit for lead contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for lead is 0.49 milligrams per dry standard cubic meter, corrected to 7 percent oxygen.

40CFR 60-Cb.33b (a) (3)

This section sets forth the emission limit for mercury contained in the gases discharged to the atmosphere

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from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for mercury is 0.080 milligrams per dry standard cubic meter or 15 percent of the potential mercury emission concentration (an 85 - percent reduction by weight), corrected to 7 percent oxygen, whichever is less stringent.

40CFR 60-Cb.33b (b) (1) (i)

This section sets forth the emission limit for sulfur dioxide contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for sulfur dioxide is 31 parts per million by volume or 25 percent of the potential sulfur dioxide emission concentration (75 - percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent. Compliance with this emission limit is based on a 24 - hour daily geometric mean.

40CFR 60-Cb.33b (b) (2) (i)

This section sets forth the emission limit for hydrogen chloride contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. The emission limit for hydrogen chloride is 31 parts per million by volume or 5 percent of the potential hydrogen chloride emission concentration (95 - percent reduction by weight or volume), corrected to 7 percent oxygen (dry basis), whichever is less stringent.

40CFR 60-Cb.33b (c) (1) (ii)

This section sets forth the emission limit for dioxins/furans contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb which does not employ an electrostatic precipitator-based emission control system. The emission limit for dioxins/furans is 30 nanograms per dry standard cubic meter (total mass), corrected to 7 percent oxygen

40CFR 60-Cb.33b (d)

This section sets forth emission limits for nitrogen oxides, by municipal waste combustor technology, for nitrogen oxides contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. A limit of 205 parts per million (ppm) applies to mass burn waterwall combustors, 250 ppm to mass burn rotary waterwall and refuse-derived fuel combustors, and 240 ppm to fluidized bed combustors, all corrected to 7 percent oxygen (dry basis).

40CFR 60-Cb.34b

This section sets forth requirements for municipal waste combustor (MWC) operating practices (Carbon Monoxide emission limits by MWC technology), (MWC unit load level) and (Temperature).

40CFR 60-Cb.34b (a)

This section sets forth emission limits for carbon monoxide, by municipal waste combustor technology, for carbon monoxide contained in the gases discharged to the atmosphere from a municipal waste combustor subject to the requirements of the Emission Guidelines, 40 CFR 60, Subpart Cb. Limits are established as follows: 100 parts per million by volume (ppmv) for mass burn waterwall, mass burn refractory, mass burn rotary refractory, and fluidized-bed MWCs; 250 ppmv for mass burn rotary waterwall MWCs; 50 ppmv for modular starved - air and excess air MWCs; 150 ppmv mixed fuel-fired pulverized coal/refuse derived fuel (RDF) MWCs; 200 ppmv for spreader stoker mixed fuel-fired

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pulverized coal/RDF and RDF stoker MWCs, all corrected to 7 percent oxygen (dry basis).

40CFR 60-Cb.34b (b)

This section sets forth municipal waste combustor operating practices which include maximum load level and temperature requirements. The operating range for the combustor must be no more than 110 percent of the maximum load level demonstrated during the most recent performance test demonstrating compliance with the applicable dioxin/furan limit. The temperature at the inlet of the particulate matter control device must be no more than 17 degrees C (300 F) above the maximum demonstrated particulate matter control device temperature measured during the most recent dioxin/furan performance test demonstrating compliance with the applicable dioxin/furan limit.

40CFR 60-Cb.35b

This section requires that the applicant develop and update on a yearly basis a site-specific operating manual that must, at a minimum, address the elements of municipal waste combustor unit operation specified in 40 CFR 60.54b of Subpart Eb.

In addition, a training program is required to review the operating manual with each person who has responsibilities affecting the operation of a municipal waste combustor including, but not limited to, chief facility operators, shift supervisors, control room operators, ash handlers, maintenance personnel, and

ash handlers.

This section also requires that each chief facility operator and shift supervisor obtain and maintain a current provisional operator certification from either the American Society of Mechanical Engineers (QRO-1-1994) or from another certification program acceptable to the Department.

40CFR 60-Cb.36b

This section sets forth the emission limit for municipal waste combustor fugitive ash emissions. It requires that discharge to the atmosphere of visible emissions of combustion ash from the ash conveying system (including conveyor transfer points) may not exceed 5 percent of the observation period (i.e. 9 minutes per 3-hour period), as determined by EPA Reference Method 22 observations. This emission limit does not cover visible emissions discharged inside buildings or enclosures of ash conveying systems; however, it does cover visible emissions discharged to the atmosphere from buildings or enclosures of ash conveying systems. This emission limit does not apply during maintenance and repair of ash conveying systems.

40CFR 60-Cb.38b

This section sets forth compliance and performance testing requirements for municipal waste combustors.

40CFR 60-Cb.39b

This section sets forth reporting and recordkeeping guidelines and compliance schedules for municipal waste combustors.

40CFR 60-Cb.39b (a)

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This section requires that the applicant meet the municipal waste combustor reporting and recordkeeping provisions listed in 40 CFR 60.59b of Subpart Eb, as applicable.

40CFR 60-D.42

This regulation requires that the opacity from the emission source not exceed 20 percent opacity except for one six minute period per hour not to exceed 27 percent opacity. Further, the facility shall not emit greater than 0.10 lb/mmBtu of particulate matter while firing fossil fuel or fossil fuel and wood residue

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 202-1.3

This regulation requires that any emission testing, sampling and analytical determination used to determine compliance must use methods acceptable to the department. Acceptable test methods may include but are not limited to the reference methods found in 40 CFR Part 60 appendix A and Part 61, appendix B. Alternate methods may also be used provided they are determined to be acceptable by the department. Finally, unless otherwise specified, all emission test reports must be submitted within 60 days after completion of testing.

6NYCRR 212 .

This regulation sets the requirements for emissions from processes.

6NYCRR 212 .4

This rule requires compliance with the degree of control specified in Tables 2, 3 and 4 for new (after July 1, 1973) process emission sources.

6NYCRR 212 .4 (b)

212.4(b) establishes a limit on gas and liquid particulates.

6NYCRR 212 .6 (a)

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

6NYCRR 219-7.2

This regulation requires that the emissions of mercury from Large Municipal Waste Combustors be less than 28 micrograms per dry standard cubic meter. The facility owner or operator is required to test annually to ensure compliance with this regulation..

6NYCRR 227-1.3

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



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6NYCRR 227-1.7

This regulation requires emissions data to be submitted to the Department when requested.

6NYCRR 227-2.4

This regulation specifies the requirements for stationary combustion units that are subject to NO_x RACT (Reasonably Available Control Technology). These requirements of this regulation apply to boilers .

R 227-2.5 (c)

This regulation sets the NO_x RACT limit for mid-sized boilers.

6NYCRR 227-2.6 (a) (1)

This regulation establishes the monitoring requirements for NO_x RACT affected very large boilers (boilers with a heat input of greater than 250 mmBtu/hr).

6NYCRR 617.11 (d) (5)

617.11 DECISION-MAKING AND FINDINGS REQUIREMENTS.

(a) Prior to the lead agency's decision on an action that has been the subject of a final EIS, it shall afford agencies and the public a reasonable time period (not less than 10 calendar days) in which to consider the final EIS before issuing its written findings statement. If a project modification or change of circumstance related to the project requires a lead or involved agency to substantively modify its decision, findings may be amended and filed in accordance with subdivision 617.12(b) of this Part.

(b) In the case of an action involving an applicant, the lead agency's filing of a written findings statement and decision on whether or not to fund or approve an action must be made within 30 calendar days after the filing of the final EIS.

(c) No involved agency may make a final decision to undertake, fund, approve or disapprove an action that has been the subject of a final EIS, until the time period provided in subdivision 617.11(a) of this section has passed and the agency has made a written findings statement. Findings and a decision may be made simultaneously.

(d) Findings must:

(1) consider the relevant environmental impacts, facts and conclusions disclosed in the final EIS;

(2) weigh and balance relevant environmental impacts with social, economic and other considerations;

(3) provide a rationale for the agency's decision;

(4) certify that the requirements of this Part have been met;

(5) certify that consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

(e) No state agency may make a final decision on an action that has been the subject of a final EIS and is located in the coastal area until the agency has made a written finding that the action is consistent with applicable policies set forth in 19 NYCRR 600.5. When the Secretary of State has approved a local government waterfront revitalization program, no state agency may make a final decision on an action, that is likely to affect the achievement of the policies and purposes of such program, until the agency has made a written finding that the action is consistent to the maximum extent practicable with that local waterfront revitalization program.

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Summary of monitoring activities at AMERICAN REF-FUEL CO NIAGARA,PL:

P/Process/ES	Location	Type of Monitoring	Cond No.
	U-110EF/00003/OAG/COMBU	intermittent emission testing	99
	U-110EF/00003/OAG/COMBU	intermittent emission testing	100
	U-110EF/R1B01/OAG/COMBU	intermittent emission testing	107
	U-110EF/R1B01/OAG/COMBU	continuous emission monitoring (cem)	108
	U-110EF/R1B02/OAG/COMBU	continuous emission monitoring (cem)	128
	U-110EF/R1B02/OAG/COMBU	intermittent emission testing	129
	U-00001/00001/MSW/DENOX	intermittent emission testing	49
	U-00001/00001/MSW/FABRI	intermittent emission testing	53
	U-00001/00001/MSW/FABRI	intermittent emission testing	54
	U-00001/00001/MSW/FABRI	intermittent emission testing	55
	U-00001/00001/MSW/FABRI	intermittent emission testing	56
	U-00001/00001/MSW/FABRI	intermittent emission testing	57
	U-00001/00001/MSW/FABRI	intermittent emission testing	58
	U-00001/00001/MSW/FABRI	intermittent emission testing	59
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	60
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	61
	U-00001/00001/MSW/INCIN	intermittent emission testing	75
	U-00001/00001/MSW/INCIN	intermittent emission testing	76
	U-00001/00001/MSW/INCIN	continuous emission monitoring (cem)	77
	U-00001/00001/MSW/FABRI	intermittent emission testing	62
	U-00001/00001/MSW/FABRI	monitoring of process or control device parameters as surrogate	63
	U-00001/00001/MSW/FABRI	intermittent emission testing	64
	U-00001/00001/MSW/FABRI	intermittent emission testing	65
	U-00001/00001/MSW/FABRI	intermittent emission testing	66
	U-00001/00001/MSW/FABRI	intermittent emission testing	67
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	68
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	69
	U-00001/00001/MSW/FABRI	intermittent emission testing	70
	U-00001/00001/MSW/FABRI	intermittent emission testing	71
	U-00001/00001/MSW/FABRI	intermittent emission testing	72
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	73
	U-00001/00001/MSW/INCIN	continuous emission monitoring (cem)	78
	U-00001/00001/MSW	monitoring of process or control device parameters as surrogate	47
	U-00001/-/MSW	intermittent emission testing	45
	FACILITY	record keeping/maintenance procedures	1-5
	U-110EF/-/OAG	continuous emission monitoring (cem)	94
	U-00001/-/MSW	record keeping/maintenance procedures	40
	U-00001/-/MSW	record keeping/maintenance procedures	41
	U-00001/-/MSW	record keeping/maintenance procedures	42
	U-00001/-/MSW	record keeping/maintenance procedures	43
	U-00001/-/MSW	record keeping/maintenance procedures	44
	U-00001/00001/MSW/FABRI	intermittent emission testing	50
	U-00001/00001/MSW/FABRI	intermittent emission testing	51
	U-00001/00001/MSW/FABRI	continuous emission monitoring (cem)	52
	U-00001/00001/MSW/INCIN	intermittent emission testing	74
	U-110EF	record keeping/maintenance procedures	79
	U-110EF	record keeping/maintenance procedures	80
	U-110EF	record keeping/maintenance procedures	81
	U-110EF	record keeping/maintenance procedures	82
	U-110EF	record keeping/maintenance procedures	83
	U-110EF/-/ALT	record keeping/maintenance procedures	84

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U-110EF/-/ALT	record keeping/maintenance procedures	85
U-110EF/-/ALT	record keeping/maintenance procedures	86
U-110EF/-/ALT	record keeping/maintenance procedures	87
U-110EF/-/OAG	record keeping/maintenance procedures	89
U-110EF/-/OAG	record keeping/maintenance procedures	90
U-110EF/-/OAG	record keeping/maintenance procedures	91
U-110EF/-/OAG	record keeping/maintenance procedures	92
U-110EF/00003/GAS/COMBU	record keeping/maintenance procedures	96
U-110EF/00003/OIL/COMBU	record keeping/maintenance procedures	101
U-110EF/R1B01/GAS/COMBU	record keeping/maintenance procedures	103
U-110EF/R1B01/OIL/COMBU	record keeping/maintenance procedures	109
U-110EF/R1B02/ALT/COMBU	continuous emission monitoring (cem)	112
U-110EF/R1B02/GAS/COMBU	record keeping/maintenance procedures	125
U-110EF/R1B02/OIL/COMBU	record keeping/maintenance procedures	130
FACILITY	record keeping/maintenance procedures	1-3
FACILITY	record keeping/maintenance procedures	1-4
FACILITY	record keeping/maintenance procedures	28
U-110EF/R1B02/ALT/COMBU	intermittent emission testing	113
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	119
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	120
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	121
U-110EF/-/ALT/PARTI	intermittent emission testing	88
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	122
U-110EF/R1B02/ALT/COMBU	intermittent emission testing	114
U-110EF/R1B02/ALT/COMBU	intermittent emission testing	115
U-110EF/R1B02/ALT/COMBU	intermittent emission testing	116
U-110EF/R1B02/ALT/COMBU	continuous emission monitoring (cem)	117
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	123
U-110EF/R1B02/ALT/PARTI	intermittent emission testing	124
U-110EF/R1B02/ALT	continuous emission monitoring (cem)	111
FACILITY	intermittent emission testing	1-10
FACILITY	intermittent emission testing	1-11
U-110EF/-/OAG	continuous emission monitoring (cem)	93
U-110EF/00003/GAS/COMBU	intermittent emission testing	97
U-110EF/00003/OIL/COMBU	intermittent emission testing	102
U-110EF/R1B01/GAS/PARTI	intermittent emission testing	104
U-110EF/R1B01/OIL/PARTI	intermittent emission testing	110
U-110EF/R1B02/GAS/PARTI	intermittent emission testing	127
U-110EF/R1B02/OIL/PARTI	intermittent emission testing	132
U-110EF/00003/OAG/COMBU	intermittent emission testing	98
U-110EF/R1B01/OAG/COMBU	continuous emission monitoring (cem)	106
U-110EF/R1B02/ALT/COMBU	continuous emission monitoring (cem)	118
U-110EF/R1B02/GAS/COMBU	continuous emission monitoring (cem)	126
U-110EF/R1B02/OIL/COMBU	continuous emission monitoring (cem)	131
U-00001/-/MSW	record keeping/maintenance procedures	139
U-00001/-/MSW	record keeping/maintenance procedures	140
U-00001/-/MSW	record keeping/maintenance procedures	141
U-00001/-/MSW	record keeping/maintenance procedures	142
U-00001/-/MSW	record keeping/maintenance procedures	143
U-00001/00001/MSW/DENOX	continuous emission monitoring (cem)	144
U-00001/00001/MSW/DENOX	intermittent emission testing	145
U-00001/00001/MSW/FABRI	intermittent emission testing	146
U-00001/00001/MSW/FABRI	intermittent emission testing	147
U-00001/00001/MSW/FABRI	intermittent emission testing	148
U-00001/00001/MSW/FABRI	intermittent emission testing	149
U-00001/00001/MSW/FABRI	intermittent emission testing	150
U-00001/00001/MSW/FABRI	intermittent emission testing	151
U-00001/00001/MSW/FABRI	intermittent emission testing	152
U-00001/00001/MSW/FABRI	intermittent emission testing	153
U-00001/00001/MSW/FABRI	intermittent emission testing	154
U-00001/00001/MSW/FABRI	intermittent emission testing	155
U-00001/00001/MSW/INCIN	intermittent emission testing	156

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U-00001/00001/MSW/INCIN	intermittent emission testing	157
U-00001/00001/MSW/INCIN	intermittent emission testing	158
U-00001/00001/MSW/SPRAY	intermittent emission testing	159

or Monitoring

Conditions 1-10 and 1-11 are added to limit emissions of mercury. Condition 1-10 limits mercury emissions to 28 ug/dscm; Condition 1-11 requires 85% reduction in mercury emissions.