



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

**Permit ID: 9-2911-00152/00025**

**Renewal Number: 1**

**Modification Number: 1 05/20/2010**

**Facility Identification Data**

Name: NIAGARA GENERATING FACILITY

Address: 5300 FRONTIER AVE

NIAGARA FALLS, NY 14304

**Owner/Firm**

Name: NIAGARA GENERATION LLC

Address: 5300 FRONTIER AVE

NIAGARA FALLS, NY 14304, USA

Owner Classification: Corporation/Partnership

**Permit Contacts**

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Air Permitting Contact:

Name: PETER J QUIRK

Address: NIAGARA GENERATING FACILITY

5300 FRONTIER AVE

NIAGARA FALLS, NY 14304

Phone: 7162364107

**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 is a minor modification of the existing Title V permit to allow additional performance testing with percentages greater than 30% TDF in fuel feeds. Also, this modification removes the auxiliary boiler from the permit due to shutdown and removal.



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**Attainment Status**

NIAGARA GENERATING FACILITY is located in the town of NIAGARA FALLS in the county of NIAGARA.

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.

**Facility Description:**

Niagara Generating Facility, Niagara Falls, New York, was originally constructed as an electrical co-generation facility located in Niagara Falls, New York. Its status as an independent power producer has been terminated and now solely generates electric power for commercial sale. The facility consists of a 468,000 lb/hr circulating fluidized bed (CFB) coal fired boiler, a 51,000 kw turbine generator, and a baghouse to remove particulates prior to discharge from the stack. Limestone is injected into the boiler to control sulfur dioxide emissions.

This permit is a minor modification of the existing Title V permit. This permit will renew the existing permit conditions and allow the facility to conduct stack testing to verify that emissions from combusting TDF in the fuel blend at percentages greater than 30% will comply with existing permit limits and will not result in an exceedance of existing permit limits or ambient air quality standards for toxic pollutants. For a previous modification to this Title V permit, it had been determined that 40 CFR 60 Subpart Y - Standards of Performance for Coal Preparation Plants applied to this facility. Therefore, a condition has been retained in this permit to monitor performance of the coal conveying, storage and transfer systems. A summary of the two emission units which comprise the plant follow:

Emission Unit U-CFB01 is a circulating fluidized bed boiler fueled by coal, petroleum coke, clean untreated wood chips, tire derived fuel (maximum 30%, by weight, in combination with the primary fuels), used lubricating oil generated on site, and/or a combination of these fuels with fluidization being achieved by blowing air into the combustion chamber medium of fuel, ash and limestone. This type of combustion offers fuel flexibility, high combustion efficiency, and low oxides of nitrogen and carbon monoxide emissions. Sulfur dioxide emissions are controlled by desulfurization through limestone injection into the fluidized combustion bed for approximately 90% sulfur capture. Oxides of nitrogen are controlled through Selective Non-catalytic Reduction (SNCR) (ammonia injection) and particulates controlled by a fabric filter.



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Emission Unit U-COLPL is the coal storage operation. Coal is transported to the facility by truck, stored in an outdoor coal bunker, and conveyed in an enclosed transfer system to the CFB furnace.

The facility is permitted primarily under the following regulations:

1. 6 NYCRR Part 201.6 requires the facility to obtain a Title V permit.
2. 40 CFR 52 Subpart A, Prevention of Significant Deterioration (PSD), regulates emissions from the CFB

**Permit Structure and Description of Operations**

The Title V permit for NIAGARA GENERATING FACILITY

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

NIAGARA GENERATING FACILITY is defined by the following emission unit(s):

Emission unit UCFB01 - A CIRCULATING FLUIDIZED BED BOILER. THE FUEL (E.G. COAL, PETROLEUM COKE, CLEAN UNTREATED WOOD CHIPS, UP TO 30%, BY WEIGHT TIRE DERIVED FUEL (TDF), USED LUBRICATING OILS AND/OR A COMBINATION OF THESE FUEL(S) IS INTRODUCED INTO THE FLUIDIZED BED AND COMBUSTED. THE FLUIDIZATION IS ACHIEVED BY BLOWING AIR INTO MEDIUM (ASH AND LIMESTONE). THIS TYPE OF COMBUSTION OFFERS FUEL FLEXIBILITY, HIGH COMBUSTION EFFICIENCY, AND LOW NOX AND CO-EMISSIONS. CONTROL OF SOX EMISSIONS IS BY DESULFURIZATION DURING COMBUSTION. THIS IS ACHIEVED BY INJECTING LIMESTONE INTO THE BED FOR 90% SULFUR CAPTURE BASED ON COAL ANALYSIS. MAXIMUM EMISSION RATE POTENTIAL FOR SO2 IS 0.5 LBS/MMBTU. THE UNIT CANNOT OPERATE WITHOUT THE LIMESTONE INJECTION SYSTEM OPERATING, THUS PRECLUDING HIGHER SO2 LEVELS. THE CFB ALSO ACTS AS A CONTROL DEVICE FOR NOX AND PARTICULATES. PARTICLES ARE CONTINUOUSLY CAPTURED AND SENT BACK TO THE COMBUSTOR TO COMBUST UNBURNED PARTICLES.



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NOTE: TDF FEED RATE MAY BE MODIFIED BASED UPON SUCCESSFUL COMPLETION OF PERFORMANCE STACK TESTS AUTHORIZED ELSEWHERE IN THIS PERMIT.

Emission unit UCFB01 is associated with the following emission points (EP):

00101

Process: CKE CIRCULATING FLUIDIZED BED BOILER USING ANY COMBINATION OF COAL, CLEAN UNTREATED WOOD CHIPS AND PETROLUEM COKE FOR FUEL.

Process: COL is located at POWERHOUSE, Building #1 -

Process: COL is located at POWERHOUSE, Building #1 - CIRCULATING FLUIDIZED BED BOILER USING COAL AS A FUEL.

Process: GAS is located at POWERHOUSE, Building #1 -

Process: GAS is located at POWERHOUSE, Building #1 - Natural gas is used for startup. The gas is combusted by the 4 burners used to provide initial heating of the boiler. Natural gas may also be combusted concurrent with the use of solid fuel to achieve full unit operating capacity.

Process: OIL

Process: OIL Circulating fluidized bed boiler using any combination of the primary fuels (coal, petroleum coke and clean untreated wood chips) and used lubricating oil (generated on site) as a fuel. The used lubricating oil will be mixed into the primary fuels prior to being fed to the boiler.

Process: TDF

Process: TDF CIRCULATING FLUIDIZED BED BOILER BURNING ANY COMBINATION OF THE PRIMARY FUELS (COAL, PETROLEUM COKE AND CLEAN UNTREATED WOOD CHIPS) A MAXIMUM OF 30%, BY WEIGHT, TIRE DERIVED FUEL (TDF). THE 30% BY WEIGHT TDF FEED FOR COMBUSTION IS BASED ON A 6-DAY ROLLING AVERAGE WITH A MAXIMUM 1-DAY FEED OF 33% BY WEIGHT TDF.

NOTE: TDF FEED RATE MAY BE MODIFIED BASED UPON SUCCESSFUL COMPLETION OF PERFORMANCE STACK TESTS AUTHORIZED ELSEWHERE IN THIS PERMIT.

Process: WOD is located at Building #1 -

Process: WOD is located at Building #1 - Circulating fluidized bed boiler using 100% untreated wood as a fuel.

Emission unit UCOLPL - Coal is brought in by truck and stored in the coal pile storage area. Coal is transferred via a conveyor system with the conveyor belt overlapping the coal as it is transferred to the furnace feed.

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

FUGIT

Process: MHL Material handling including processing, storage, transferring and loading of approved fuels for use in the circulating fluidized bed boiler.

emis\_process\_desc

**Title V/Major Source Status**

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

Facility is a major source of emissions for NO<sub>x</sub>, CO and SO<sub>2</sub> Facility emits greater than 250 tons/yr for each contaminant Facility also emits between 50 and 100 tons per year of Particulate Matter (PM) and PM<sub>10</sub>.

**Program Applicability**

The following chart summarizes the applicability of NIAGARA GENERATING FACILITY with regards



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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	YES
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

**NOTES:**

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

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

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

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

**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



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implementation of the acid rain control program for large stationary combustion facilities.

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

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

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

**Compliance Status**

Facility is in compliance with all requirements.

**SIC Codes**

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis

of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

**SIC Code**

**Description**

4911	ELECTRIC SERVICES
4939	COMBINATION UTILITY 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**

1-01-002-17	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - BITUMINOUS COAL ATMOSPHERIC FLUIDIZED BED COMBUSTION - BUBBLING BED (BITUM COAL)
1-01-002-18	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION



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1-01-005-01	ELECTRIC UTILITY BOILER - BITUMINOUS COAL ATMOSPHERIC FLUIDIZED BED COMBUSTION - CIRCULATING BED (BITUM COAL)
1-01-006-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-01-006-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers > 100 MBtu/Hr except Tangential
1-01-008-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - NATURAL GAS Boilers < 100 MBtu/Hr except Tangential
1-01-009-03	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - COKE All Boiler Sizes
1-01-012-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - WOOD/BARK WASTE Wood-Fired Boiler
1-01-013-02	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - SOLID WASTE Specify Waste Material in Comments
3-03-003-09	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION ELECTRIC UTILITY BOILER - LIQUID WASTE Waste Oil PRIMARY METAL PRODUCTION PRIMARY METAL PRODUCTION (BY-PRODUCT COKE MANUFACTURING) Coal Conveying

**Facility Emissions Summary**

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE Range represents an emission range for a contaminant. Any PTE quantity that is displayed represents a facility-wide emission cap or limitation for that contaminant. If no PTE quantity is displayed, the PTE Range is provided to indicate the approximate magnitude of facility-wide emissions for the specified contaminant in terms of tons per year (tpy). The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant Name	<u>PTE</u>
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		lbs/yr	Range
001746-01-6	2,3,7,8- TETRACHLORODIBENZO-P- DIOXIN	100	
007440-36-0	ANTIMONY	2000	
007440-38-2	ARSENIC		> 0 but < 10 tpy
000071-43-2	BENZENE	2000	
000050-32-8	BENZO (A) PYRENE	100	
007440-41-7	BERYLLIUM	100	
007440-43-9	CADMIUM	100	
000124-38-9	CARBON DIOXIDE		>= 250 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy
007440-47-3	CHROMIUM	100	
007440-48-4	COBALT	100	
0NY064-29-0	COPPER (CU 064)	100	
000206-44-0	FLUORANTHENE	100	
000050-00-0	FORMALDEHYDE	2000	
007647-01-0	HYDROGEN CHLORIDE		>= 10 tpy
007664-39-3	HYDROGEN FLUORIDE		> 0 but < 10 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
007439-96-5	MANGANESE	2000	
007439-97-6	MERCURY		> 0 but < 10 tpy
007439-98-7	MOLYBDENUM	100	
000091-20-3	NAPHTHALENE	100	
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS	100	
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy
0NY075-00-0	PARTICULATES		>= 50 tpy but < 100 tpy
000085-01-8	PHENANTHRENE	100	
0NY075-00-5	PM-10		>= 50 tpy but < 100 tpy
000129-00-0	PYRENE	100	
007782-49-2	SELENIUM	100	
007704-34-9	SULFUR	100	
007446-09-5	SULFUR DIOXIDE		>= 250 tpy
000108-88-3	TOLUENE	2000	
007440-62-2	VANADIUM	100	
0NY998-00-0	VOC		>= 250 tpy

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**Item A: Emergency Defense - 6 NYCRR 201-1.5**

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

(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.



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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Item H: Property Rights - 6 NYCRR 201-6.5(a)(6)**

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

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



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

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

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

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

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

This Title V permit shall be reopened and revised under any of the following circumstances:

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the 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



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emissions offset plans shall be deemed to be incorporated into the permit.

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

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

**Item L: Permit Exclusion - ECL 19-0305**

The issuance of this permit by the Department and the receipt thereof by the Applicant does not and shall not be construed as barring, diminishing, adjudicating or in any way affecting any legal, administrative or equitable rights or claims, actions, suits, causes of action or demands whatsoever that the Department may have against the Applicant for violations based on facts and circumstances alleged to have occurred or existed prior to the effective date of this permit, including, but not limited to, any enforcement action authorized pursuant to the provisions of applicable federal law, the Environmental Conservation Law of the State of New York (ECL) and Chapter III of the Official Compilation of the Codes, Rules and Regulations of the State of New York (NYCRR). The issuance of this permit also shall not in any way affect pending or future enforcement actions under the Clean Air Act brought by the United States or any person.

**Item M: Federally Enforceable Requirements - 40 CFR 70.6(b)**

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

Any person who owns and/or operates stationary sources shall operate and maintain all emission units and any required emission control devices in compliance with all applicable 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.

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**Regulatory Analysis**

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
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FACILITY	ECL 19-0301	66	Powers and Duties of the Department with respect to air pollution control
U-CFB01	40CFR 52-A.21	1 -24, 1 -25, 1 -26, 1 -27	Prevention of Significant Deterioration
FACILITY	40CFR 60-A.7(b)	41	Notification and Recordkeeping
U-CFB01	40CFR 60-A.7(c)	60	Notification and Recordkeeping
FACILITY	40CFR 60-A.8(c)	42	Performance Tests
FACILITY	40CFR 60-Da.40a	1 -19	Utility steam generators over 250 million Btu per hour
U-CFB01	40CFR 60-Da.47a	61	Emission Monitoring.
U-CFB01	40CFR 60-Da.48a	62	Compliance Determinations, Procedures, and Methods.
U-COLPL	40CFR 60-Y.252(c)	65	Standards of Performance for Coal Preparation Plants - standards for particulate matter
FACILITY	40CFR 64	1 -20	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	21	Chemical accident prevention provisions
FACILITY	40CFR 72	1 -21	Permits regulation
FACILITY	40CFR 82-F	22	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
U-CFB01/-/TDF	6NYCRR 200.6	1 -28	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	1 -30	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	1 -2	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)	13	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	23, 44, 45	Title V Permits and the Associated Permit Conditions
U-CFB01/-/TDF	6NYCRR 201-6	1 -29	Title V Permits and



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				the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5 (a) (4)	15		General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	2		General conditions
				Fees
FACILITY	6NYCRR 201-6.5 (a) (8)	16		General conditions
FACILITY	6NYCRR 201-6.5 (c)	3		Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (2)	4		Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201- 6.5 (c) (3) (ii)	5		Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (d) (5)	17		Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	6		Compliance Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	18		Off Permit Changes
FACILITY	6NYCRR 202-1.1	19		Required emissions tests.
FACILITY	6NYCRR 202-2.1	7		Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8		Emission Statements - record keeping requirements.
FACILITY	6NYCRR 204-1.6	24		Standard Requirements
FACILITY	6NYCRR 204-2.1	25		Authorization and Responsibilities of the NOx Authorized Account
FACILITY	6NYCRR 204-4.1	26, 27, 28		Representative Compliance Certification Report
FACILITY	6NYCRR 204-7.1	29		Submission of NOx Allowance Transfers
FACILITY	6NYCRR 204-8.1	30, 31, 32		General Requirements
FACILITY	6NYCRR 204-8.2	33		Initial Certification and Recertification Procedures
FACILITY	6NYCRR 204-8.3	34		Out of Control Periods
FACILITY	6NYCRR 204-8.4	35		Notifications
FACILITY	6NYCRR 204-8.7	36		Additional Requirements to Provide Heat Input Data for Allocations Purposes
FACILITY	6NYCRR 211.2	1 -31		General Prohibitions - air pollution prohibited.
U-COLPL	6NYCRR 211.2	1 -53		General Prohibitions - air pollution prohibited.
FACILITY	6NYCRR 211.3	20		General Prohibitions - visible emissions limited
FACILITY	6NYCRR 215	9		Open Fires
FACILITY	6NYCRR 215.2	1 -1		Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (d)	1 -3		Sulfur-in-fuel

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FACILITY	6NYCRR 225-1.7(c)	1	-4	limitations - Table 2
FACILITY	6NYCRR 225-1.7(e)	39		Emission and fuel monitoring.
U-CFB01	6NYCRR 225-2.3(b)(1)	1	-22	Emission and fuel monitoring.
FACILITY	6NYCRR 227-1.3(a)	1	-5	Eligibility to burn waste fuel A.
U-CFB01	6NYCRR 227-2.4(a)(2)	1	-23	Smoke Emission Limitations.
U-CFB01	6NYCRR 227-2.6(a)(1)	55		This is the control requirements for very large boilers not listed in 227-2.4(a)(1).
FACILITY	6NYCRR 237-1.4(a)	69		Testing, monitoring, and reporting requirements for very large boilers.
FACILITY	6NYCRR 237-1.6(a)	1	-32	Generators equal to or greater than 25 MWe
FACILITY	6NYCRR 237-2	1	-33	Standard permit requirements
FACILITY	6NYCRR 237-4.1	1	-34	NOx Authorized account representative for NOx budget sources
FACILITY	6NYCRR 237-7.1	73		Compliance certification report.
FACILITY	6NYCRR 237-8	74		Submission of NOx allowance transfers
FACILITY	6NYCRR 238-1.4	75		MONITORING AND REPORTING
FACILITY	6NYCRR 238-1.6(a)	76		Applicability
FACILITY	6NYCRR 238-1.6(c)	77, 1	-35	Permit Requirements
FACILITY	6NYCRR 238-1.6(f)	78		Sulfur Dioxide requirements
FACILITY	6NYCRR 238-1.6(g)	79		Liability
FACILITY	6NYCRR 238-2.1	80		Effect on Other Authorities
FACILITY	6NYCRR 238-4.1	81		Authorization/responsibilities of the authorized account representative
FACILITY	6NYCRR 238-7.1	82		Compliance certification report
FACILITY	6NYCRR 238-8	83		Submission of SO2 allowance transfers
FACILITY	6NYCRR 242-1.5	1	-36, 1 -37	Monitoring and Reporting
FACILITY	6NYCRR 242-4	1	-38	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-8	1	-39	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 243-1.6(d)	1	-6	CO2 Budget Trading Program - Monitoring and reporting
				Excess Emission

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FACILITY	6NYCRR 243-1.6 (e)	1	-7	Requirements - CAIR NOx Ozone Season Trading Program Recordkeeping and reporting
FACILITY	6NYCRR 243-2.1	1	-8	requirements - CAIR NOx Ozone Season Trading Program Authorization and responsibilities - CAIR Designated Representative
FACILITY	6NYCRR 243-8.1	1	-9	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	1	-10	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (d)	1	-11	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (e)	1	-12	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	1	-13	CAIR NOx Ozone Annual Trading Program General Provisions
FACILITY	6NYCRR 244-2	1	-14	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	1	-15	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	1	-16	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-2	1	-17	CAIR Designated Representative for CAIR SO2 Sources
FACILITY	6NYCRR 245-8	1	-18	Monitoring and Reporting for CAIR SO2 Trading Program
FACILITY	6NYCRR 246.11 (a)	1	-48	Record Keeping Provisions
FACILITY	6NYCRR 246.11 (b)	1	-49	Reporting Provisions
FACILITY	6NYCRR 246.11 (c)	1	-50	Certification Application
FACILITY	6NYCRR 246.11 (d)	1	-51	Quarterly Reports
FACILITY	6NYCRR 246.11 (e)	1	-52	Compliance Certification
FACILITY	6NYCRR 246.3 (b) (1)	1	-40	Emission testing
FACILITY	6NYCRR 246.5 (b)	1	-41	Mercury Reduction Program Facility-wide Limits and Requirements for Existing Facilities
FACILITY	6NYCRR 246.7 (b) (1)	1	-42	Requirements for Installation, Certification, and



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FACILITY	6NYCRR 246.8(c)(1)	1	-43	Data Accounting
FACILITY	6NYCRR 246.8(c)(2)	1	-44	Initial Certification
FACILITY	6NYCRR 246.8(c)(3)	1	-45	Procedures for CEMS
FACILITY	6NYCRR 246.8(d)	1	-46	Recertification
FACILITY	6NYCRR 246.9(a)	1	-47	Procedures for CEMS
				Approval Process for
				Monitoring
				Certification and
				Recertification
				Initial Certification
				and Recertification
				of Hg low mass
				(HgLME) emissions
				Missing Data
				Procedures and Out
				of Control Periods
				for CEMS

**Applicability Discussion:**

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4

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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.



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6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to this Subpart, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.5 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.5 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.5 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.5 (c)

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

6 NYCRR 201-6.5 (c) (2)

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

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



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

6 NYCRR 201-6.5 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.5 (e)

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

6 NYCRR 201-6.5 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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

6 NYCRR 211.2

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

6 NYCRR 211.3

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

6 NYCRR Part 215

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

6 NYCRR 215.2

Except as allowed by section 215.3 of 6 NYCRR Part 215, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.



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40 CFR Part 68

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

40 CFR Part 82, Subpart F

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

**Facility Specific Requirements**

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

40 CFR 52.21

This citation applies to facilities that are subject to Prevention of Significant Deterioration provisions;

ie: facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i) .

40 CFR 60.252 (c)

This regulation sets a maximum opacity of 20% for coal processing and conveying equipment at coal processing plants.

40 CFR 60.40a

This regulation sets standards of performance for electric utility steam generating units for which construction is commenced after September 18, 1978.

40 CFR 60.47a

This regulation requires the owners or operators, subject to the emission limits of Subpart Da, to install, calibrate, maintain, and operate CEMs for oxides of nitrogen, sulfur dioxide, opacity, and either oxygen or carbon dioxide

40 CFR 60.48a

This regulation requires the owner/operator of a facility conducting emission tests required under section 60.8 to use the test methods located in Appendix A of this Part 40 CFR 60

40 CFR 60.7 (b)

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

40 CFR 60.7 (c)

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



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40 CFR 60.8 (c)

This condition contains the requirements for operating conditions, of the emission source, during performance testing.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

40 CFR Part 72

In order to reduce acid rain the the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of SO<sub>2</sub> and NO<sub>x</sub> (sulfur dioxide and oxides of nitrogen). Fossil fuel burning electric utility companies are a major source of these contaminants in the US. These sources were regulated in a phased approach. Phase I, which began in 1995, requires 110 of the higher-emitting utility plants in the eastern and Midwest states to meet intermediate SO<sub>2</sub> emission limitations. Phase II, which began in 2000, tightens the emission limitations and expands the coverage to most fossil fuel burning utilities. The utilities are given "allowances" which is a limited authorization to emit one ton of SO<sub>2</sub>. The utilities are required to limit SO<sub>2</sub> emissions to the number of allowances they hold. Some can benefit however by reducing their emissions and selling their excess allowances. Part 72 contains the means of implementing this portion of Title IV of the Clean Air Act.

6 NYCRR 204-1.6

This condition requires the designated representative of the permittee to make submissions for the NO<sub>x</sub> Budget Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6 NYCRR 204-2.1

This condition states the submission requirements for the NO<sub>x</sub> Budget Trading Program. The Program is designed to mitigate the interstate transport of ground level ozone and nitrogen oxides, a ground level ozone precursor.

6 NYCRR 204-4.1

This condition covers the compliance certification report requirements for the NO<sub>x</sub> Budget Program.

6 NYCRR 204-7.1

This condition lists the requirements for transfer of allowances in the NO<sub>x</sub> Budget Program.

6 NYCRR 204-8.1

This condition lists the general requirements for the NO<sub>x</sub> Budget trading program. They include, but are not limited to monitoring requirements, certification, record keeping and reporting.



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6 NYCRR 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

6 NYCRR 204-8.3

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

6 NYCRR 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.

6 NYCRR 204-8.7

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

6 NYCRR 225-1.2 (d)

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

6 NYCRR 225-1.7 (c)

This regulation requires requires that measurements be made daily of the rate of each fuel burned, the gross heat content and ash content of each fuel burned (determined at least once per week), and the average electrical output (daily) and hourly generation rate.

6 NYCRR 225-1.7 (e)

This regulation requires source owners subject to 6 NYCRR Part 225-1 to submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, or of measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such excesses if known, for the calendar quarter

6 NYCRR 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

6 NYCRR 227-1.3 (a)

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

6 NYCRR 227-2.4 (a) (2)

This condition lists the emission limitations for very large boilers.

6 NYCRR 227-2.6 (a) (1)

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

6 NYCRR 237-1.4 (a)

This condition specifies that any emission unit or facility with a unit; that at any time on or after January



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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

6 NYCRR 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.

6 NYCRR 237-4.1

This item specifies the requirements of the compliance certification report.

6 NYCRR 237-7.1

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

6 NYCRR 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

6 NYCRR 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.

6 NYCRR 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.

6 NYCRR 238-1.6 (f)

This subdivision outlines the liability of an affected source.

6 NYCRR 238-1.6 (g)

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

6 NYCRR 238-2.1

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

6 NYCRR 238-4.1

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

6 NYCRR 238-7.1

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

6 NYCRR 242-1.5

This regulation requires that the facility hold enough carbon dioxide allowances in their carbon dioxide budget at least equal to the amount of carbon dioxide emitted from the facility each year.

6 NYCRR 243-1.6 (d)

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



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6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains that an CAIR NO<sub>x</sub> Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains that CAIR NO<sub>x</sub> Ozone Season Trading Program sources must install, certify and operate monitoring systems the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains the what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NO<sub>x</sub> Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR 246.11 (a)

This citation requires a mercury reduction program facility to comply with the record keeping requirements of 6NYCRR Part 246.11 and of 40 CFR 75.84(a) through (c) of the Acid Rain Program.

6 NYCRR 246.11 (b)

This citation requires mercury reduction program facilities to comply with the reporting requirements of 6NYCRR 246.11 and of 40 CFR 75.84(d) through (f) of the Acid Rain Program.

6 NYCRR 246.11 (c)

This citation requires mercury reduction program facilities to submit an application when the certification testing is completed.

6 NYCRR 246.11 (d)

This citation requires mercury reduction program facilities to submit quarterly reports electronically that include mercury emissions, heat input and other required information in the manner specified in 40 CFR 75.84(f). The reports for sources subject to the Acid Rain Program or the Clean Air Interstate Rule (CAIR) for oxides of nitrogen or sulfur dioxide shall included the applicable data required by 40 CFR 75 subparts F through H and 6NYCRR 246.7 through 246.13.

6 NYCRR 246.11 (e)

This citation requires mercury reduction program facilities to submit a compliance certification



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statement in support of each quarterly report. It also lists the information that must be certified.

6 NYCRR 246.3 (b) (1)

This citation requires mercury reduction program facilities to conduct two emission tests for speciated mercury compounds. One test must be completed before August 1, 2008, and the other before July 1, 2009.

6 NYCRR 246.5 (b)

This citation limits a mercury reduction program facility's annual mercury emissions and describes the emission averaging method.

6 NYCRR 246.7 (b) (1)

This citation requires mercury reduction program facilities to have a certified mercury monitoring system by certain dates.

6 NYCRR 246.8 (c) (1)

This citation states the procedures that a mercury reduction facility must follow to initially certify their mercury monitoring system.

6 NYCRR 246.8 (c) (2)

This citation states the procedures that a mercury reduction facility must follow to recertify their mercury monitoring system.

6 NYCRR 246.8 (c) (3)

This citation states the process that a mercury reduction facility must follow to initially certify or recertify their mercury monitoring system.

6 NYCRR 246.8 (d)

6 NYCRR Part 246.8(d) discusses monitoring options for low mercury emission facility's

6 NYCRR 246.9 (a)

This citation states that if a mercury monitoring system at a mercury reduction facility fails to meet the quality assurance and quality control requirements or data validation requirements of 40 CFR 75, then data shall be substituted using the applicable missing data procedures in 40 CFR 75 subpart D.

6 NYCRR Subpart 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

6 NYCRR Subpart 237-8

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

6 NYCRR Subpart 238-8

This condition requires the owner or operator of the facility to comply with the reporting and record keeping requirements of 40 CFR Part 75.



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6 NYCRR Subpart 242-4

This citation requires that an Annual Compliance Certification report be submitted by March 1st, on an annual basis, certifying compliance with the CO2 Budget Trading Program.

6 NYCRR Subpart 242-8

Citation 6NYCRR Part 242-8.5 requires that the record keeping and reporting requirements of 40 CFR Part 75.73 and 6NYCRR Part 242-2.1(e) be followed, that a CO2 monitoring plan(s) be submitted, that the CO2 emission monitor(s) be certified, and that CO2 emissions be reported quarterly in an electronic format.

6 NYCRR Subpart 244-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NOx) Annual Trading Program. The control period for this annual NOx cap and trade program runs from January 1 to December 31 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx allowances that is not less than the total tons of NOx emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NOx source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NOx Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 244-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR NOx unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in 40 CFR Part 75, Subparts F and G. A certified NOx emission monitoring system must be used to measure NOx emissions. NOx emission reports must be certified and submitted quarterly.

6 NYCRR Subpart 245-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) sulfur dioxide (SO2) Trading Program. The control period for this annual SO2 cap and trade program runs from January 1 to December 31, starting in the year 2010. Each source shall hold a tonnage equivalent in CAIR SO2 allowances that is not less than the total tons of SO2 emissions for the control period.

6 NYCRR Subpart 245-2

Each Clean Air Interstate Rule (CAIR) SO2 source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR SO2 Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 245-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO2 unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in



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Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO2 emission monitoring system must be used to measure SO2 emissions. SO2 emission reports must be certified and submitted quarterly..

**Compliance Certification**

**Summary of monitoring activities at NIAGARA GENERATING FACILITY:**

<b>Location</b> <b>Facility/EU/EP/Process/ES</b>	<b>Cond No.</b>	<b>Type of Monitoring</b>
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U-CFB01	1-24	continuous emission monitoring (cem)
U-CFB01	1-25	intermittent emission testing
U-CFB01	1-26	continuous emission monitoring (cem)
U-CFB01	1-27	intermittent emission testing
U-CFB01	60	record keeping/maintenance procedures
FACILITY	1-19	record keeping/maintenance procedures
U-COLPL	65	monitoring of process or control device parameters as surrogate
FACILITY	1-20	record keeping/maintenance procedures
U-CFB01/-/TDF	1-28	record keeping/maintenance procedures
U-CFB01/-/TDF	1-29	monitoring of process or control device parameters as surrogate
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	28	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	36	record keeping/maintenance procedures
U-COLPL	1-53	record keeping/maintenance procedures
FACILITY	1-3	work practice involving specific operations
FACILITY	1-4	record keeping/maintenance procedures
FACILITY	39	record keeping/maintenance procedures
U-CFB01	1-22	record keeping/maintenance procedures
FACILITY	1-5	monitoring of process or control device parameters as surrogate
U-CFB01	1-23	continuous emission monitoring (cem)
FACILITY	1-34	record keeping/maintenance procedures
FACILITY	74	record keeping/maintenance procedures
FACILITY	1-35	record keeping/maintenance procedures
FACILITY	77	record keeping/maintenance procedures
FACILITY	81	record keeping/maintenance procedures
FACILITY	83	record keeping/maintenance procedures
FACILITY	1-36	record keeping/maintenance procedures
FACILITY	1-37	record keeping/maintenance procedures
FACILITY	1-38	record keeping/maintenance procedures
FACILITY	1-39	record keeping/maintenance procedures
FACILITY	1-15	record keeping/maintenance procedures
FACILITY	1-18	record keeping/maintenance procedures
FACILITY	1-48	record keeping/maintenance procedures
FACILITY	1-49	record keeping/maintenance procedures
FACILITY	1-50	record keeping/maintenance procedures
FACILITY	1-51	record keeping/maintenance procedures
FACILITY	1-52	record keeping/maintenance procedures
FACILITY	1-40	record keeping/maintenance procedures
FACILITY	1-41	continuous emission monitoring (cem)
FACILITY	1-42	record keeping/maintenance procedures
FACILITY	1-43	record keeping/maintenance procedures
FACILITY	1-45	record keeping/maintenance procedures

