

Facility DEC ID: 4012200007

**PERMIT**  
**Under the Environmental Conservation Law (ECL)**

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 4-0122-00007/00723  
Effective Date: 02/04/2022 Expiration Date: 02/03/2023

Permit Issued To: SHPP US LLC  
1 Noryl Ave  
Selkirk, NY 12158

Contact: Elizabeth Miakisz  
1 Noryl Ave  
Selkirk, NY 12158  
(518) 475-3530

Facility: SHPP US LLC  
1 NORYL AVE  
SELKIRK, NY 12158

Contact: Christopher Englebert  
1 Noryl Ave  
Selkirk, NY 12158  
(518) 475-5200

**Description:**

The facility is proposing to purchase the four existing Selkirk Cogen utility boilers currently permitted as Emission Unit (U-00004) as well as one existing emergency diesel generator permitted as emission unit (U-00006) under Selkirk Cogen Title V Permit ID: 4-0122-00078/00013. This is a change in ownership for the (4) utility boilers and (1) emergency diesel engine. The transaction results in a change in ownership and is not a modification per regulations at 6 NYCRR 231-4(b)(29)(vii).

Also, at the time of its initial permitting the facility, Selkirk Cogen Partners (SCP) was permitted to burn fuel oil with a sulfur content of 0.2%. SCP took a simultaneous operating restriction limiting concurrent operation of the generating turbines (GTs) and auxiliary boilers as a result of acid deposition concerns at the Lye Brook Class I area, however, SCP last burned fuel oil in 1995, and if the facility needed to burn fuel oil today it would burn ultra-low sulfur diesel which has a sulfur content of 0.0015% or less. As part of transferring ownership of the auxiliary boilers to the neighboring SHPP US LLC facility, SCP and SHPP US LLC are seeking to remove this simultaneous operating restriction. Based on correspondence<sup>1</sup> from New York Department of Environmental Conservation (NYSDEC), in communication with the Federal Land Manager (FLM) for the Lye Brook Class I area, SCP was required to perform air dispersion modeling to document compliance with the SO<sub>2</sub> National Ambient Air Quality Standards (NAAQS) in the nearfield and to document compliance with the Class I Significant Impact Levels (SILs) for SO<sub>2</sub> at 50 km in order to document compliance at the Class I area and remove the simultaneous operations restriction. An air modeling protocol was submitted on September 25th, 2020 and approved by NYSDEC on January 11th, 2021, the only change to the methods in the submitted air modeling protocol was an update to the meteorological dataset provided by NYSDEC on 12/8/2020. This air modeling report explains how air quality dispersion modeling was used to document that the operation of Gt's and auxiliary boilers at SCP and SHPP facilities will not

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cause a violation of the SO2 NAAQS and the impacts at 50 km will remain below the Class I SILs at 50 km.

The predicted air quality levels of 1-hour NO2 was initially assessed in a load analysis to determine the maximum 1-hour NO2 concentration for the combustion turbines (CT). The worst-case load analysis from each CT was then modeled in conjunction with the auxiliary boilers to determine whether the facility complies with the 1-hour NO2 NAAQS. In addition, start-up of the CT's on natural gas along with the auxiliary boilers operating was modeled. Concentrations of 1-hour NO2 are below the NAAQS during normal operation as well as start-up. The air modelling results were submitted on August 11th, 2020 and a revision of the modelling report was submitted on July 10th, 2020 subsequently a receptor issue was identified, and modelling was readdressed with new receptor grid and the modelling report was approved on September 21st, 2020.

Therefore, the modelling of Oxides of Nitrogen and Sulfur Dioxide was conducted and shown to indicate that the NAAQS are not being exceeded when operating both auxiliary boilers and combustion turbines when operated in a concurrent fashion at each facility.

By acceptance of this permit, the permittee agrees that the permit is contingent upon strict compliance with the ECL, all applicable regulations, the General Conditions specified and any Special Conditions included as part of this permit.

Permit Administrator: ANGELIKA R STEWART  
NYSDEC  
65561 St Hwy 10  
Stamford, NY 12167

Authorized Signature: \_\_\_\_\_ Date: \_\_\_ / \_\_\_ / \_\_\_\_

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**Notification of Other State Permittee Obligations**

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

The permittee expressly agrees to indemnify and hold harmless the Department of Environmental Conservation of the State of New York, its representatives, employees and agents ("DEC") for all claims, suits, actions, and damages, to the extent attributable to the permittee's acts or omissions in connection with the compliance permittee's undertaking of activities in connection with, or operation and maintenance of, the facility or facilities authorized by the permit whether in compliance or not in any compliance with the terms and conditions of the permit. This indemnification does not extend to any claims, suits, actions, or damages to the extent attributable to DEC's own negligent or intentional acts or omissions, or to any claims, suits, or actions naming the DEC and arising under article 78 of the New York Civil Practice Laws and Rules or any citizen suit or civil rights provision under federal or state laws.

Item B: Permittee's Contractors to Comply with Permit

The permittee is responsible for informing its independent contractors, employees, agents and assigns of their responsibility to comply with this permit, including all special conditions while acting as the permittee's agent with respect to the permitted activities, and such persons shall be subject to the same sanctions for violations of the Environmental Conservation Law as those prescribed for the permittee.

Item C: Permittee Responsible for Obtaining Other Required Permits

The permittee is responsible for obtaining any other permits, approvals, lands, easements and rights-of-way that may be required to carry out the activities that are authorized by this permit.

Item D: No Right to Trespass or Interfere with Riparian Rights

This permit does not convey to the permittee any right to trespass upon the lands or interfere with the riparian rights of others in order to perform the permitted work nor does it authorize the impairment of any rights, title, or interest in real or personal property held or vested in a person not a party to the permit.

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- 5 3 Applications for permit renewals, modifications and transfers
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**Facility Level**

- 6 5 Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS

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**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**GENERAL CONDITIONS - Apply to ALL Authorized Permits.**

**Condition 1: Facility Inspection by the Department**  
**Applicable State Requirement: ECL 19-0305**

**Item 1.1:**

The permitted site or facility, including relevant records, is subject to inspection at reasonable hours and intervals by an authorized representative of the Department of Environmental Conservation (the Department) to determine whether the permittee is complying with this permit and the ECL. Such representative may order the work suspended pursuant to ECL 71-0301 and SAPA 401(3).

**Item 1.2:**

The permittee shall provide a person to accompany the Department's representative during an inspection to the permit area when requested by the Department.

**Item 1.3:**

A copy of this permit, including all referenced maps, drawings and special conditions, must be available for inspection by the Department at all times at the project site or facility. Failure to produce a copy of the permit upon request by a Department representative is a violation of this permit.

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations**  
**Applicable State Requirement: ECL 3-0301 (2) (m)**

**Item 2.1:**

Unless expressly provided for by the Department, issuance of this permit does not modify, supersede or rescind any order or determination previously issued by the Department or any of the terms, conditions or requirements contained in such order or determination.

**Condition 3: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 3.1:**

The permittee must submit a separate written application to the Department for renewal, modification or transfer of this permit. Such application must include any forms or supplemental information the Department requires. Any renewal, modification or transfer granted by the Department must be in writing.

**Item 3.2:**

The permittee must submit a renewal application at least 180 days before the expiration of permits for Title V and State Facility Permits.

**Item 3.3**

Permits are transferrable with the approval of the department unless specifically prohibited by the statute, regulation or another permit condition. Applications for permit transfer should be submitted prior to actual transfer of ownership.

**Condition 4: Permit modifications, suspensions or revocations by the Department**

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**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

The Department reserves the right to exercise all available authority to modify, suspend, or revoke this permit in accordance with 6NYCRR Part 621. The grounds for modification, suspension or revocation include:

- a) materially false or inaccurate statements in the permit application or supporting papers;
- b) failure by the permittee to comply with any terms or conditions of the permit;
- c) exceeding the scope of the project as described in the permit application;
- d) newly discovered material information or a material change in environmental conditions, relevant technology or applicable law or regulations since the issuance of the existing permit;
- e) noncompliance with previously issued permit conditions, orders of the commissioner, any provisions of the Environmental Conservation Law or regulations of the Department related to the permitted activity.

**\*\*\*\* Facility Level \*\*\*\***

**Condition 5: Submission of application for permit modification or renewal-REGION 4 HEADQUARTERS**

**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:

NYSDEC Regional Permit Administrator  
Region 4 Headquarters  
Division of Environmental Permits  
1130 North Westcott Rd.  
Schenectady, NY 12306-2014  
(518) 357-2069

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**Permit Under the Environmental Conservation Law (ECL)**

ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT

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1 Noryl Ave  
Selkirk, NY 12158

Facility: SHPP US LLC  
1 NORYL AVE  
SELKIRK, NY 12158

Authorized Activity By Standard Industrial Classification Code:  
2821 - PLASTICS MATERIALS AND RESINS  
2869 - INDUSTRIAL ORGANIC CHEMICALS, NEC

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**FEDERALLY ENFORCEABLE CONDITIONS**

FINAL

\*\*\*\* Facility Level \*\*\*\*

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are federally enforceable. Permittees may also have other obligations under regulations of general applicability**

**Item A: Sealing - 6 NYCRR 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 - 6 NYCRR 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 - 6 NYCRR 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.

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

(a) Except as otherwise provided by this Part, construction or operation of a new, modified or existing air contamination source without a registration or permit issued pursuant to this Part is prohibited.

(b) If an existing facility or emission source was subject to the permitting requirements of this Part at the time of construction or modification, and the owner or operator failed to apply for a permit or registration as described in this Part, the owner or operator must apply for a permit or registration in accordance with the provisions of this Part. The facility or emission source is subject to all regulations that were applicable to it at the time of construction or modification and any subsequent requirements applicable to existing emission sources.

**Item E: Recycling and Salvage - 6 NYCRR 201-1.7**

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

**Item F: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 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 G: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 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 H: Proof of Eligibility for Sources Defined as Trivial Activities - 6 NYCRR 201-3.3 (a)**

The owner and/or operator of an emission source or unit

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that is listed as being trivial in 6 NYCRR Part 201 may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request. Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item I: Required Emission Tests - 6 NYCRR 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 6 NYCRR Subpart 202-1.

**Item J: Open Fires Prohibitions - 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.

**Item K: 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 L: 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

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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.

**FEDERAL APPLICABLE REQUIREMENTS****The following conditions are federally enforceable.**

**Condition 1: Acceptable Ambient Air Quality**  
Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable Federal Requirement:6 NYCRR 200.6****Item 1.1:**

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.

**Condition 2: Modeling Report**  
Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable Federal Requirement:6 NYCRR 200.6**

**Item 2.1: The facility owner or operator shall attach a copy of the final emissions modeling report** for this facility, as approved by the Department, to this permit. The facility owner or operator shall implement all property access restrictions or other measures that are included in the approved modeling report. These restrictions include, but are not limited to, the posting and patrolling of facility property, restricted access to portions of the property when specific operations occur, or the requirement to place barriers along the property line. Any future updates to the approved modeling report must be incorporated into the version attached to this permit and implemented as appropriate.

**Condition 3: Visible Emissions Limited**  
Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable Federal Requirement:6 NYCRR 211.2****Item 3.1:**

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

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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.

**Condition 4: Compliance Demonstration**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable Federal Requirement:6 NYCRR 225-1.2 (d)**

**Item 4.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 4.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire distillate oil are limited to a 0.0015 percent sulfur content by weight of the fuel. Compliance with the sulfur-in-fuel limitation is based on fuel vendor receipts. All fuel vendor receipts must be maintained on site or at a Department approved alternative location for a minimum of five years.

Note - Process sources and incinerators must comply with the above requirements on or after July 1, 2023.

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
 Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL  
 Parameter Monitored: SULFUR CONTENT  
 Upper Permit Limit: 0.0015 percent by weight  
 Monitoring Frequency: PER DELIVERY  
 Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
 Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 5: Compliance Demonstration**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable Federal Requirement:6 NYCRR 227-1.3 (c)**

**Item 5.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 5.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of a stationary combustion installation must perform an annual tune-up on each emission source subject to 6 NYCRR Subpart 227-1. Records

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of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: ANNUALLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 6: Compliance Demonstration**  
Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable Federal Requirement:6 NYCRR 227-1.4 (a)**

**Item 6.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 6.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: MONITORING OF PROCESS OR CONTROL  
DEVICE PARAMETERS AS SURROGATE

Monitoring Description:

Opacity is limited to 20 percent (6-minute average)  
except for one 6 -minute period per hour of not more than  
27 percent.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60 Appendix A Method 9

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING  
DESCRIPTION

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 7: Compliance Demonstration**  
Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable Federal Requirement:6 NYCRR 227-1.4 (a)**

**Item 7.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 7.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Operators of oil firing emission sources subject to 6  
NYCRR Subpart 227-1 which do not employ a continuous  
opacity monitor for measuring smoke emissions, shall be  
required to perform the following:

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1) Observe the stack for each emission source which is operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions (fog, rain, or snow).

2) The results of each observation must be recorded in a bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

- date and time of day
- observer's name
- identity of the emission point
- weather conditions
- was a plume observed?

Inclement weather conditions shall be recorded for those days when observations are prohibited. This logbook must be retained at the facility for five (5) years after the date of the last entry.

3) If the operator observes any visible emissions (other than steam - see below) for two consecutive days while firing oil (the firing of other fuels in between days of firing oil does not count as an interruption in the consecutive days of firing oil), then a Method 9 analysis (based upon a 6-minute mean) of the affected emission point(s) must be conducted within two (2) business days of such occurrence. The results of the Method 9 analysis must be recorded in the logbook. The operator must contact the Regional Air Pollution Control Engineer within one (1) business day of performing the Method 9 analysis if the opacity standard is contravened. Upon notification, any corrective actions or future compliance schedules shall be presented to the Department for acceptance.

**\*\* NOTE \*\*** Steam plumes generally form after leaving the top of the stack (this is known as a detached plume). The distance between the stack and the beginning of the detached plume may vary, however, there is (normally) a distinctive distance between the plume and stack. Steam plumes are white in color and have a billowy consistency. Steam plumes dissipate within a short distance of the stack (the colder the air the longer the steam plume will last) and leave no dispersion trail downwind of the stack.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 8: Compliance Demonstration**

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**Applicable Federal Requirement:6 NYCRR 227-2.4 (c)**

**Item 8.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00004	
Process: GAS	Emission Source: OBLR2
Emission Unit: U-00004	
Process: OIL	Emission Source: OBLR2
Regulated Contaminant(s):	
CAS No: 0NY210-00-0	OXIDES OF NITROGEN

**Item 8.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING  
Monitoring Description:

Oxide of Nitrogen emissions from mid sized boilers firing natural gas or oil are limited to 0.08 pounds/MMBtu. For distillate oil operations, this condition includes operational flexibility as defined by 6 NYCRR 201-6.4(f)(1) to suspend the required testing on fuel oil until such as time that the source is first fired on oil, except for firing oil during times of testing and maintenance.

Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 0.08 pounds per million Btus  
Reference Test Method: 40 CFR 60 Appendix A Method 7, 7E, 19  
Monitoring Frequency: Once every five years  
Averaging Method: 1-HOUR AVERAGE  
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2022.  
Subsequent reports are due every 6 calendar month(s).

**Condition 9: Compliance Demonstration**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable Federal Requirement:6 NYCRR 227-2.4 (c)**

**Item 9.1:**

The Compliance Demonstration activity will be performed for the facility:  
The Compliance Demonstration applies to:

Emission Unit: U-00004	
Process: GAS	Emission Source: OBLR3



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Emission Unit: U-00004 Process: GAS	Emission Source: OBLR4
Emission Unit: U-00004 Process: GAS	Emission Source: OBLR5
Emission Unit: U-00004 Process: OIL	Emission Source: OBLR3
Emission Unit: U-00004 Process: OIL	Emission Source: OBLR4
Emission Unit: U-00004 Process: OIL	Emission Source: OBLR5
Regulated Contaminant(s): CAS No: 0NY210-00-0	OXIDES OF NITROGEN

**Item 9.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

Oxide of Nitrogen emissions from large sized boilers firing natural gas or oil are limited to 0.15 pounds/MMBtu. For distillate oil operations, this condition includes operational flexibility as defined by 6 NYCRR 201-6.4(f)(1) to suspend the required testing on fuel oil until such as time that the source is first fired on oil, except for firing oil during times of testing and maintenance.

Parameter Monitored: OXIDES OF NITROGEN  
 Upper Permit Limit: 0.15 pounds per million Btus  
 Reference Test Method: 40 CFR 60 Appendix A Method 7, 7E, 19  
 Monitoring Frequency: Once every five years  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2022.  
 Subsequent reports are due every 6 calendar month(s).

**Condition 10: General Provisions**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable Federal Requirement:40CFR 63, Subpart A**

**Item 10.1:**

This emission source is subject to the applicable provisions of 40 CFR 63 Subpart A. The facility owner is responsible for complying with all applicable technical, administrative and reporting requirements.

**Condition 11: Applicability**

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Effective between the dates of 02/04/2022 and 02/03/2023

Applicable Federal Requirement:40CFR 63, Subpart DDDDD

**Item 11.1:**

Facilities that are major sources of HAP with industrial, commercial, or institutional boilers and/or process heaters must comply with applicable portions of 40 CFR 63 DDDDD.

**Condition 12: Applicability**

Effective between the dates of 02/04/2022 and 02/03/2023

Applicable Federal Requirement:40CFR 63, Subpart ZZZZ

**Item 12.1:**

Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.

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**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

**This section contains terms and conditions which are not federally enforceable. Permittees may also have other obligations under regulations of general applicability**

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

An emergency, as defined in 6 NYCRR subpart 201-2, constitutes an affirmative defense to penalties sought in an enforcement action brought by the department for noncompliance with emissions limitations or permit conditions for all facilities in New York State.

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

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

(2) the equipment at the facility was being properly operated and maintained;

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

(4) the facility owner 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 any corrective actions taken.

(b) In any enforcement proceeding, the facility owner 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 malfunction provision contained in any applicable requirement.

**Item B: Public Access to Recordkeeping for Facilities With State Facility Permits - 6 NYCRR 201-1.10 (a)**

Where facility owners and/or operators keep records pursuant to compliance with the requirements of 6 NYCRR Subpart 201-5.4, and/or the emission capping requirements of 6 NYCRR Subpart 201-7, the Department will make such records available to the public upon request in accordance with 6 NYCRR Part 616 - Public Access to Records.

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Facility owners and/or operators must submit the records required to comply with the request within sixty working days of written notification by the Department.

Item C: **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.

**STATE ONLY APPLICABLE REQUIREMENTS**

The following conditions are state only enforceable.

**Condition 13: Contaminant List**

Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable State Requirement:ECL 19-0301**

**Item 13.1:**

Emissions of the following contaminants are subject to contaminant specific requirements in this permit(emission limits, control requirements or compliance monitoring conditions).

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 14: Malfunctions and Start-up/Shutdown Activities**

Effective between the dates of 02/04/2022 and 02/03/2023

**Applicable State Requirement:6 NYCRR 201-1.4**

**Item 14.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the

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emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

(b) The facility owner or operator shall compile and maintain records of all equipment maintenance and start-up/shutdown activities when they are expected to result in an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when required by a permit condition or upon request by the department. Such reports shall state whether an exceedance occurred and if it was unavoidable, include the time, frequency and duration of the exceedance, and an estimate of the emission rates of any air contaminants released. Such records shall be maintained for a period of at least five years and made available for review to department representatives upon request. Facility owners or operators subject to continuous monitoring and quarterly reporting requirements need not submit additional reports of exceedances to the department.

(c) In the event that air contaminant emissions exceed any applicable emission standard due to a malfunction, the facility owner or operator shall notify the department as soon as possible during normal working hours, but not later than two working days after becoming aware that the malfunction occurred. In addition, the facility owner or operator shall compile and maintain a record of all malfunctions. Such records shall be maintained at the facility for a period of at least five years and must be made available to the department upon request. When requested by the department, the facility owner or operator shall submit a written report to the department describing the malfunction, the corrective action taken, the air contaminants emitted, and the resulting emission rates and/or opacity.

(d) The department may also require the facility owner or operator to include, in reports described under Subdivisions (b) and (c) of this Section, an estimate of the maximum ground level concentration of each air contaminant emitted and the effect of such emissions.

(e) A violation of any applicable emission standard resulting from start-up, shutdown, or malfunction conditions at a permitted or registered facility may not be subject to an enforcement action by the department and/or penalty if the department determines, in its sole discretion, that such a violation was unavoidable. The actions and recordkeeping and reporting requirements listed above must be adhered to in such circumstances.

**Condition 15: Emission Unit Definition**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement: 6 NYCRR Subpart 201-5**

**Item 15.1:**

The facility is authorized to perform regulated processes under this permit for:

Emission Unit: U-00004

Emission Unit Description:

This emission unit consists of 4 (four) steam boilers.  
Boiler No. 2 is a Murray Iron Works 77/75 (gas/oil)  
MMBtu/hr boiler. Boiler No. 3 is a Combustion Engineering  
A - type boiler rated at 180 MMBtu/hr. Boilers No. 4 and  
No. 5 are identical Babcock & Wilcox D - Type boilers  
rated at 180 MMBtu/hr each. All boilers may fire natural

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gas, oil or a gas / oil mixture. There are 4 (four) emission points for this emission unit.

Building(s): UTILITYBLG

**Condition 16: Renewal deadlines for state facility permits**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR 201-5.2 (c)**

**Item 16.1:**

The owner or operator of a facility having an issued state facility 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.

**Condition 17: CLCPA Applicability**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 17.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 18: Compliance Demonstration**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR 201-5.3 (c)**

**Item 18.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any reports or submissions required by this permit shall be submitted to the Regional Air Pollution Control Engineer (RAPCE) at the following address:

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 4  
1130 N. Westcott Rd.  
Schenectady, NY 12306

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING

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DESCRIPTION

Reporting Requirements: ANNUALLY (ANNIVERSARY)

Initial Report Due: 03/05/2023 for the period 02/04/2022 through 02/03/2023

**Condition 19: Air pollution prohibited**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 19.1:**

No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.

**\*\*\*\* Emission Unit Level \*\*\*\***

**Condition 20: Emission Point Definition By Emission Unit**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

**Item 20.1:**

The following emission points are included in this permit for the cited Emission Unit:

Emission Unit: U-00004

Emission Point: 00601

Height (ft.): 82 Diameter (in.): 45  
 NYTMN (km.): 4714.209 NYTME (km.): 593.725 Building: UTILITYBLG

Emission Point: 00602

Height (ft.): 90 Diameter (in.): 66  
 NYTMN (km.): 4714.195 NYTME (km.): 593.713 Building: UTILITYBLG

Emission Point: 00605

Height (ft.): 70 Diameter (in.): 60  
 NYTMN (km.): 4714.176 NYTME (km.): 593.707 Building: UTILITYBLG

Emission Point: 00607

Height (ft.): 90 Diameter (in.): 72  
 NYTMN (km.): 4714.176 NYTME (km.): 593.72 Building: UTILITYBLG

**Condition 21: Process Definition By Emission Unit**  
**Effective between the dates of 02/04/2022 and 02/03/2023**

**Applicable State Requirement:6 NYCRR Subpart 201-5**

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**Item 21.1:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00004

Process: GAS

Source Classification Code: 1-03-006-01

Process Description:

This process involves burning natural gas with boilers.

Emission Source/Control: OBLR2 - Combustion

Design Capacity: 77 million Btu per hour

Emission Source/Control: OBLR3 - Combustion

Design Capacity: 180 million Btu per hour

Emission Source/Control: OBLR4 - Combustion

Design Capacity: 180 million Btu per hour

Emission Source/Control: OBLR5 - Combustion

Design Capacity: 180 million Btu per hour

**Item 21.2:**

This permit authorizes the following regulated processes for the cited Emission Unit:

Emission Unit: U-00004

Process: OIL

Source Classification Code: 1-03-005-01

Process Description:

This process involves burning distillate oil through boilers.

Emission Source/Control: OBLR2 - Combustion

Design Capacity: 77 million Btu per hour

Emission Source/Control: OBLR3 - Combustion

Design Capacity: 180 million Btu per hour

Emission Source/Control: OBLR4 - Combustion

Design Capacity: 180 million Btu per hour

Emission Source/Control: OBLR5 - Combustion

Design Capacity: 180 million Btu per hour



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