



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 9-2912-00059/00013

Renewal Number: 2

11/09/2016

Facility Identification Data

Name: FORTISTAR NORTH TONAWANDA INC

Address: 1070 ERIE AVE

NORTH TONAWANDA, NY 14120

Owner/Firm

Name: FORTISTAR NORTH TONAWANDA INC

Address: 1070 ERIE AVE

NORTH TONAWANDA, NY 14120, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

Name: MARK F PASSUITE

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BUFFALO, NY 14203-2915

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Division of Air Resources:

Name: DANIEL S BRINSKO

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ALBANY, NY 12233

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Air Permitting Contact:

Name: DANIEL ROTUNNO

Address: FORTISTAR NORTH TONAWANDA INC

1070 ERIE AVE

NORTH TONAWANDA, NY 14120

Phone:7166949874

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

Application for renewal of Air Title V Facility.

Attainment Status

FORTISTAR NORTH TONAWANDA INC is located in the town of NORTH TONAWANDA in the



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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:

The Fortistar North Tonawanda facility is a nominal 63 megawatt natural gas fired cogeneration facility located in North Tonawanda, Niagara County, New York. It is a dispatched electric generation facility selling its power to National Grid. The facility is also under contract to provide steam to an off-site greenhouse facility.

Permit Structure and Description of Operations

The Title V permit for FORTISTAR NORTH TONAWANDA INC 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.

FORTISTAR NORTH TONAWANDA INC is defined by the following emission unit(s):

(primary). Unit is located on the first floor of the Powerhouse building.



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Emission unit U00002 is associated with the following emission points (EP):

00002

Process: PO7 is located at 1ST, Building Powerhouse - Distillate oil combustion in diesel emergency generator (primary).

Emission unit U00003 - Emission source ES00004 is a 4.3 MMBtu/hr diesel starting motor (secondary). Unit is located on first floor of Powerhouse building.

Emission unit U00003 is associated with the following emission points (EP):

00003

Process: PO8 is located at 1ST, Building Powerhouse - Distillate oil combustion in starting diesel engine (secondary).

Emission unit U00004 -

Emission unit U00004 is associated with the following emission points (EP):

00004

Process: P09 is located at Building Powerhouse - Natural gas combustion in steam boiler.

Emission unit U00001 - Consists of emission sources ES00001 (55 MW combined cycle gas turbine and heat recovery steam generator), ES00002 (10.5 MMBtu/hr heat input auxiliary boiler), ES00007 and ES00008 (duct burners each at 18.82 MMBtu/hr) emitting to the same emission point 00001. Units are located on the first floor of the Powerhouse building.

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

00001

Process: P10 is located at Building Powerhouse - Natural gas combustion in duct burners #1 and #2.

Process: P11 Distillate oil combustion in combustion turbine.

Process: PO1 is located at 1ST, Building Powerhouse - Natural gas combustion in combustion turbine.

Process: PO3 is located at 1ST, Building Powerhouse - Natural gas combustion in auxiliary boiler.

Process: PO4 is located at 1ST, Building Powerhouse - Distillate oil combustion in auxiliary boiler.

Title V/Major Source Status

FORTISTAR NORTH TONAWANDA INC is subject to Title V requirements. This determination is based on the following information:

Major

Program Applicability

The following chart summarizes the applicability of FORTISTAR NORTH TONAWANDA INC with



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regards to the principal air pollution
regulatory programs:

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

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - 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 231-5, 231-6) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.



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Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - 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, 6 NYCRR 200.10) - 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
4931	ELEC & OTHER SERVICES COMBINED

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

1-01-005-01	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
2-01-001-01	INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE



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2-01-001-02	- DISTILLATE OIL (DIESEL) Turbine INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE
2-01-002-01	- DISTILLATE OIL (DIESEL) Reciprocating INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - NATURAL GAS Turbine

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 of material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. 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	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000075-07-0	ACETALDEHYDE				
000107-02-8	ACROLEIN				
007440-36-0	ANTIMONY				
007440-38-2	ARSENIC				
000071-43-2	BENZENE				
007440-41-7	BERYLLIUM				
007440-43-9	CADMIUM				
000124-38-9	CARBON DIOXIDE				
000630-08-0	CARBON MONOXIDE				
007440-47-3	CHROMIUM				
007440-48-4	COBALT				
000050-00-0	FORMALDEHYDE				
007439-92-1	LEAD				
007439-96-5	MANGANESE				
007439-97-6	MERCURY				
000074-82-8	METHANE				
000091-20-3	NAPHTHALENE				
007440-02-0	NICKEL METAL AND INSOLUBLE COMPOUNDS				
010024-97-2	NITROUS OXIDE				
0NY210-00-0	OXIDES OF				



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	NITROGEN
0NY075-00-0	PARTICULATES
007723-14-0	PHOSPHORUS (YELLOW)
0NY075-02-5	PM 2.5
0NY075-00-5	PM-10
000115-07-1	PROPYLENE
007782-49-2	SELENIUM
007446-09-5	SULFUR DIOXIDE
007664-93-9	SULFURIC ACID
000108-88-3	TOLUENE
0NY100-00-0	TOTAL HAP
0NY998-00-0	VOC
001330-20-7	XYLENE, M, O & P MIXT.

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

An emergency, as defined by 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 be demonstrated 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 permitted facility causing the emergency was at the time being properly operated and maintained;
- (3) During the period of the emergency the facility owner 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 or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(b) In any enforcement proceeding, the facility owner 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



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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 201-6.2(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 201-6.2(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 201-6.4(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 201-6.4(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 201-6.4(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 201-6.4(a)(6)

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

Item I: Severability - 6 NYCRR Part 201-6.4(a)(9)

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

Item J: Permit Shield - 6 NYCRR Part 201-6.4(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



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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 201-6.4(i)

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
- iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.
- iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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



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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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY	ECL 19-0301	74	Powers and Duties of the Department with respect to air pollution control



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FACILITY	40CFR 60-A.11	26	General provisions - compliance with standards and maintenance requirements
FACILITY	40CFR 60-A.12	27	General provisions - Circumvention
FACILITY	40CFR 60-A.13	28	General provisions - Monitoring requirements
FACILITY	40CFR 60-A.14	29	General provisions - Modification
FACILITY	40CFR 60-Dc.48c(g)	30	Reporting and Recordkeeping Requirements.
U-00001	40CFR 60-GG.334	39	Monitoring of Operations for Turbines
FACILITY	40CFR 63-ZZZZ	31	Reciprocating Internal Combustion Engine (RICE) NESHAP
FACILITY	40CFR 68	19	Chemical accident prevention provisions
FACILITY	40CFR 72	32	Permits regulation
FACILITY	40CFR 82-F	20	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	40CFR 97-AAAAA.406	33	Transport Rule (TR) NOx Annual Trading Program Standard Requirments
FACILITY	40CFR 97-BBBBB.506	34	Transport Rule (TR) NOx Ozone Season Trading Program Standard Requirement
FACILITY	40CFR 97-CCCCC.606	35	Transport Rule (TR) SO2 Group 1 Trading Program Standard Requirments
FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	75	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7	11	Recycling and Salvage
FACILITY	6NYCRR 201-1.8	12	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	21, 22, 36, 37	Title V Permits and the Associated Permit Conditions
U-00001/-/P11/00001	6NYCRR 201-6	41, 42	Title V Permits and the Associated Permit Conditions
U-00001/-/PO1/00001	6NYCRR 201-6	43, 44	Title V Permits and



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U-00001/-/PO3/00002	6NYCRR 201-6	45, 46, 47, 48	the Associated Permit Conditions
U-00001/00001	6NYCRR 201-6	49, 50, 51, 52, 53	Title V Permits and the Associated Permit Conditions
U-00001/00001/P11	6NYCRR 201-6	54, 55	Title V Permits and the Associated Permit Conditions
U-00001/00001/PO1	6NYCRR 201-6	57, 58, 59, 60, 61, 62	Title V Permits and the Associated Permit Conditions
U-00001/00001/PO4/00002	6NYCRR 201-6	63, 64, 65, 66, 67	Title V Permits and the Associated Permit Conditions
U-00002/00002/PO7/00003	6NYCRR 201-6	69, 70	Title V Permits and the Associated Permit Conditions
U-00003/00003/PO8/00004	6NYCRR 201-6	71, 72	Title V Permits and the Associated Permit Conditions
U-00004/00004/P09/00006	6NYCRR 201-6	73	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	15	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	2	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	3	Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.4(c)(2)	4	Records of Monitoring, Sampling and Measurement
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	5	Reporting Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(d)(4)	23	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.4(f)(6)	17	Off Permit Changes
FACILITY	6NYCRR 202-1.1	18	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 211.1	24	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2(h)	25	Sulfur-in-Fuel Limitations
U-00001/00001/P11/00001	6NYCRR 227-1.3	56	Smoke Emission Limitations.



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U-00001/00001/PO4/00002	6NYCRR 227-1.3	68	Smoke Emission Limitations.
U-00001	6NYCRR 227-1.3(a)	38	Smoke Emission Limitations.
U-00001/-/P10	6NYCRR 231-11.2(b)	40	Reasonable Possibility requirements for insignificant mods - less than 50% with excluded emissions
FACILITY	6NYCRR 242-1.5	76	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-4	77	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 242-8.5	78	CO2 Budget Trading Program - Recordkeeping and reporting

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



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federal air pollution control requirements, regulations, or law.

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 201-6.4 (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 201-6.4 (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 201-6.4 (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 201-6.4 (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 201-6.4 (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.



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6 NYCRR 201-6.4 (c) (3) (ii)

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

6 NYCRR 201-6.4 (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 201-6.4 (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 201-6.4 (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 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.

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



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practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, FORTISTAR NORTH TONAWANDA INC has been determined to be subject to the following regulations:

40 CFR 60.11

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

40 CFR 60.12

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

40 CFR 60.13

This regulation specifies how monitoring shall be performed and which methods and appendices are used to determine if the monitoring is adequate and in compliance with the regulated standards.

40 CFR 60.14

This regulation defines the term modification and what is and is not considered to be a modification, for the purpose of rule applicability.

40 CFR 60.334

40 CFR 60.48c (g)

The owner or operator of each affected facility shall record and maintain records of the amount of each fuel combusted during each day.

40 CFR 97.406

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart AAAAA; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of Nitrogen Oxide (NOx) and to hold TR annual NOx allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR 97.506

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart BBBBB; intended to reduce the interstate transport of fine particulate matter and ozone.



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This particular condition requires facilities to measure and report their emissions of Nitrogen Oxide (NO_x) during the ozone season (May through September) and to hold TR ozone season NO_x allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR 97.606

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart CCCCC; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of sulfur dioxide (SO₂) annually and to hold TR annual SO₂ allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR Part 63, Subpart ZZZZ

40 CFR Part 72

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

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 225-1.2 (h)

Sulfur-in-fuel limitation for the firing of distillate oil on or after July 1, 2016.



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6 NYCRR 227-1.3

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

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 231-11.2 (b)

This subdivision is referred to as the "Reasonable Possibility" provisions. This citation lists the record keeping requirements for insignificant modifications that are less than 50% of the applicable significant project threshold including excluded emissions as defined in Part 231-4.1(b)(40)(i)(c).

This subdivision is referred to as the "Reasonable Possibility" provisions. This citation lists the record keeping requirements for insignificant modifications that are less than 50% of the applicable significant project threshold including excluded emissions as defined in Part 231-4.1(b)(40)(i)(c).

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 242-8.5

This regulation requires the CO₂ authorized account representative to comply with all applicable recordkeeping and reporting requirements in section 242-8.5, the applicable record keeping and reporting requirements under 40 CFR 75.73 and with the certification requirements of section 242-2.1(e) of this Part.

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.



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Compliance Certification

Summary of monitoring activities at FORTISTAR NORTH TONAWANDA INC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
FACILITY	30	record keeping/maintenance procedures
U-00001	39	record keeping/maintenance procedures
FACILITY	33	record keeping/maintenance procedures
FACILITY	34	record keeping/maintenance procedures
FACILITY	35	record keeping/maintenance procedures
FACILITY	22	record keeping/maintenance procedures
U-00001/-/P11/00001	41	intermittent emission testing
U-00001/-/P11/00001	42	intermittent emission testing
U-00001/-/PO1/00001	43	intermittent emission testing
U-00001/-/PO1/00001	44	intermittent emission testing
U-00001/-/PO3/00002	45	intermittent emission testing
U-00001/-/PO3/00002	46	intermittent emission testing
U-00001/-/PO3/00002	47	intermittent emission testing
U-00001/-/PO3/00002	48	intermittent emission testing
U-00001/00001	49	monitoring of process or control device parameters as surrogate
U-00001/00001	50	monitoring of process or control device parameters as surrogate
U-00001/00001	51	record keeping/maintenance procedures
U-00001/00001	52	work practice involving specific operations
U-00001/00001	53	work practice involving specific operations
U-00001/00001/P11	54	continuous emission monitoring (cem)
U-00001/00001/P11	55	continuous emission monitoring (cem)
U-00001/00001/PO1	57	continuous emission monitoring (cem)
U-00001/00001/PO1	58	continuous emission monitoring (cem)
U-00001/00001/PO1	59	continuous emission monitoring (cem)
U-00001/00001/PO1	60	continuous emission monitoring (cem)
U-00001/00001/PO1	61	continuous emission monitoring (cem)
U-00001/00001/PO1	62	continuous emission monitoring (cem)
U-00001/00001/PO4/00002	63	intermittent emission testing
U-00001/00001/PO4/00002	64	intermittent emission testing
U-00001/00001/PO4/00002	65	intermittent emission testing
U-00001/00001/PO4/00002	66	intermittent emission testing
U-00001/00001/PO4/00002	67	work practice involving specific operations
U-00002/00002/PO7/00003	69	work practice involving specific operations
U-00002/00002/PO7/00003	70	work practice involving specific operations
U-00003/00003/PO8/00004	71	work practice involving specific operations
U-00003/00003/PO8/00004	72	work practice involving specific operations
U-00004/00004/PO9/00006	73	intermittent emission testing
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	25	work practice involving specific operations
U-00001/00001/P11/00001	56	record keeping/maintenance procedures
U-00001/00001/PO4/00002	68	record keeping/maintenance procedures
U-00001	38	monitoring of process or control device parameters as surrogate
U-00001/-/P10	40	record keeping/maintenance procedures
FACILITY	76	record keeping/maintenance procedures
FACILITY	77	record keeping/maintenance procedures
FACILITY	78	record keeping/maintenance procedures

Basis for Monitoring



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The enforceable emission limits in the original Title V permit were established in order to avoid PSD regulations and will be retained. This Title V permit renewal evaluated a project entailing the addition of two duct burners and it was determined that the project did not trip NSR applicability under 6 NYCRR Part 231. The facility is comprised of four emission units: **U-00001** – turbine, auxiliary boiler, HRSG and two duct burners; **U-00002** - diesel emergency generator (primary); **U-00003** – diesel starting motor (secondary) and **U-00004** –natural gas fired steam boiler.

The Department reviewed an updated NOx RACT Plan (submitted June 6, 2016) and in a June 21, 2016 letter the Department approved the facility's NOx RACT Plan. The facilities Title V permit renewal contains conditions that adhere to the operating limits proposed in the NOx RACT Plan. This Title V permit renewal also accounts for the federal CSAPR program which has replaced the state CAIR program. All facility records essential to this permit must be kept on site for a minimum of five years. The facility monitoring requirements are listed below by facility and emission unit levels:

Facility:

Emission Statements shall be submitted to the Department by April 15th each year for emissions of the previous calendar year. For at least five years the facility shall maintain a copy of each emission statement submitted and the records indicating how the information submitted in the emission statement was determined. These records shall be made available to the Department upon request.

The facility is limited to firing distillate oil with a 0.0015 percent sulfur content by weight or less. Compliance with this limit will be based on vendor certifications, tabulated and summarized in a form acceptable to the Department. These records must be retained for at least five years. The owner must furnish to the Department such records and summaries, on a semiannual calendar basis and upon request by the Department.

The owner or operator shall not operate the facility to emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent. Compliance testing shall be conducted in accordance with Reference Method 9, in Appendix A of 40 CFR Part 60.

Emission Unit U-00001:

With the addition of the two duct burners the facility owner or operator must maintain the following information for a minimum of five years: (1) a description of the modification, (2) an identification of each new or modified emission source(s) including the associated processes and emission unit, (3) the calculation of the project emission potential for each modified emission source(s) including supporting documentation and (4) the date the



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modification commenced operation. These recordkeeping requirements apply to exempt and trivial activities but do not affect their exempt or trivial permitting status under Subpart 201-3 of this Title. The facility must submit these records to the Department upon request.

The owner/operator shall install, calibrate, maintain, and operate a CEM to measure emissions of NO_x and CO for the combustion turbine. The CEM records must be kept on site for a minimum of five years.

Stack testing of the combustion turbine will be done once every five years in order to determine compliance with the emission limits for PM-10 and VOC . These records must be kept on site for a minimum of five years.

Stack testing of the auxiliary boiler will be done once every five years in order to determine compliance with the emission limits for NO_x, CO, PM-10 and VOC . These records must be kept on site for a minimum of five years.

For operating the combustion turbine the original permit included an exemption for emissions during startup, shutdown and malfunctions. This permit renewal removes the exemption as startup and shutdown emissions limits were developed for NO_x and CO for the combustion turbine firing natural gas. These records must be kept on site for a minimum of five years, reported to the Department on a semiannual calendar basis and made available upon request by the Department.

Operators of oil-fired internal combustion engines and boilers where a COM is not utilized for measuring smoke emissions, shall be required to: (1) observe the stack(s) once per day for visible emissions, (2) the results of each observation must be recorded in a bound logbook or other format acceptable to the Department. This logbook must be retained at the facility for five years, and (3) if the operator observes any visible emissions two consecutive days firing oil then a Method 9 analysis must be conducted within two 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 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.

Emission Unit U-00002:

The diesel emergency generator (primary) is limited to 415 hours of operation per year. These records must be kept on site for a minimum of five years, reported to the Department on a semiannual calendar basis and made available upon request by the Department.



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Emission Unit U-00003:

Total annual distillate oil usage in the starting motor shall not exceed 8,610 gallons and its operation is limited to 200 hours per year. These records must be kept on site for a minimum of five years, reported to the Department on a semiannual calendar basis and made available upon request by the Department.

Emission Unit U-00004:

Stack testing will be done once every five years in order to determine compliance with the NO_x emission limit for the steam boiler firing natural gas. These records must be kept on site for a minimum of five years.