



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

Permit ID: 9-2938-00003/00002

Renewal Number: 1

04/27/2011

Facility Identification Data

Name: AES SOMERSET LLC

Address: 7725 LAKE RD

BARKER, NY 14012

Owner/Firm

Name: AES SOMERSET LLC

Address: 7725 LAKE RD

BARKER, NY 14012-9600, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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Air Permitting Contact:

Name: JON REIMANN

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7725 LAKE RD

BARKER, NY 14012

Phone:7167959501

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

AES SOMERSET LLC is located in the town of SOMERSET in the county of NIAGARA.



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

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

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

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

Facility Description:

Description:

AES Somerset LLC, located at 7725 Lake Road in the Town of Somerset is a 675 megawatt (MW) electric generating facility originally permitted and operating under the subpart Da New Source Performance Standards. The facility combusts coal and petcoke as the primary fuels. The coal may contain a latex dust suppressant as supplied. Associated with the boiler is a coal handling system (unloading + petroleum coke conveying etc.), No. 2 or kerosene oil system (tanks and piping) used for startup and flame stabilization, limestone handling system (unloading and conveying etc.), and other miscellaneous sources and activities related to the operation of an electric generating station.

This permit is a renewal of the existing Prevention of Significant Deterioration (PSD) and Title V permits.

Emission Unit S00001, consists of one boiler feeding steam to one turbine generator. The boiler, emission source B0001, is a Babcock and Wilcox balanced draft, single reheat, pulverized coal, dry bottom radiant boiler. The steam generator is designed for a maximum continuous rating of 4,845,000 lb/hr, 1005 deg F and 2620 psig steam at the superheated outlet. The boiler has 48 burners in an opposed wall-fired configuration with a heat release rate of 76,400 Btu/hr/ft² at maximum continuous rating. Emission source B0001 is equipped with an electrostatic precipitator (ESP) to control particulate matter emissions. The precipitator is equipped with an energy management system that, based on feedback from the opacity monitor, adjusts the power levels in the precipitator to maintain the desired opacity. Sulfur Dioxide emissions are controlled by a flue gas desulfurization (FGD) system. Nitrogen oxide emissions are controlled through the use of low-NOx burners installed on the boiler, good combustion practices, and a Selective Catalytic Reduction (SCR) unit installed in front of the ESP. Emissions from unit S00001 exit the main 625 foot stack, emission point 00001. Somerset has two oil fired auxiliary boilers, emission sources B000A and B000B, each with a design heat input of 195 million Btu/hr. The auxiliary boilers are used to provide steam for a cold start of the main unit. The boilers are also used for heating the buildings and for maintaining essential equipment in a hot condition when the main boiler is not operating.



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These boilers burn No. 2 fuel oil, sometimes mixed with kerosene, as their fuel with combustion gases exhausting at a 300 foot stack, emission point, 0001A. These are no specific fuel oil (other than maximum sulfur content of 1.5% by weight) or kerosene controls on these small package boilers for particulate matter, sulfur dioxide or nitrogen oxide emissions.

The facility operation is permitted primarily under the following regulations:

1. 6NYCRR Part 201-6 requires the facility to obtain a Title V permit.
2. 6NYCRR Part 225-1 fuel composition and use - sulfur limitations.
3. 6NYCRR Part 227 regulates stationary combustion sources.
4. 40 CFR 52 Subpart A.21 prevention of significant deterioration of air quality
5. 40 CFR 60 Subpart Da standards of performance for electric utility steam generating units for which construction commenced after September 18,1978.

Permit Structure and Description of Operations

The Title V permit for AES SOMERSET LLC

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.

AES SOMERSET LLC is defined by the following emission unit(s):

Emission unit S00001 - AES Somerset LLC is an electric generating station consisting of one generator unit.

AES Somerset Stack, Emission Point 00001

Boiler 1, Emission Source B0001

Boiler 1 Selective Catalytic Reduction System,
Emission Source SCR01

Boiler 1 Electrostatic Precipitator,
Emission Source ESP01

Boiler 1 Flue Gas Desulfurization System,
Emission Source FGD01

burning coal and/or coal/petcoke blend, Process P11



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burning No. 2 fuel oil and kerosene, Process P12

Steam for Unit 1 is supplied by Emission Source B0001. Emission Source B0001 exhausts through Emission Point 00001.

Emission Source B0001 is a Babcock and Wilcox steam generator, rated at 4,845,000 lbs/hr of steam and a calculated heat input from fuel of 6280 MMBtu/hr. AES Somerset LLC notes that the heat input from fuel is based upon traditional boiler design calculations. For monitoring and reporting purposes, the heat input for Emission Source B0001 is derived from Continuous Emission Monitors (CEM), measuring carbon dioxide (CO₂) and flue gas flow, in accordance with 40 CFR Part 75 Regulations. The relative accuracy of these measurements, as well as EPA recognized flow biases related to Reference Method 2 and wall effect, can result in reported CEM heat inputs that are greater than the design calculated value.

The calculations pertaining to "Emission Rate Potential", "Potential to Emit", and "Minimum Required Control Efficiency", are based on the MCR of 6280 MMBtu/hr.

The boiler burns coal and petcoke as its primary fuel. No. 2 fuel oil and kerosene are used for startup and flame stabilization.

Emission Source B0001 is equipped with an electrostatic precipitator to control particulate matter emissions. The precipitator is equipped with an energy management system that, based on feedback from the opacity monitor, will adjust the power levels in the precipitator to maintain the desired opacity. Sulfur dioxide emissions are controlled by a flue gas desulfurization (FGD) system. Nitrogen oxides emissions are controlled through the use of low-NO_x burners installed on the boiler, good combustion practices, and an anhydrous ammonia-based selective catalytic reduction (SCR) system.

Emission unit S00001 is associated with the following emission points (EP):

00001

Process: P11 Emission Unit: S-00001

Process: P11

Emission Source B0001 fires coal and petroleum coke as its baseline fuel. Particulate matter emissions are controlled by the use of an electrostatic precipitator and measured at Emission Point 00001. Sulfur dioxide emissions are controlled by a flue gas desulfurization (FGD) system. Nitrogen oxides emissions are controlled through the use of low-NO_x burners, good combustion practices and an anhydrous ammonia-based selective catalytic reduction (SCR) system. Nitrogen oxides limits on a system-wide basis are established in AES New York's NO_x RACT Compliance Plan. Sulfur dioxide and nitrogen oxides emissions are measured by the continuous emission monitoring system on Emission Point 00001.

Process: P12 is located at GROUND, Building BOILER - Emission Unit: S-00001

Process: P12

Emission Source B0001 uses No. 2 fuel oil and kerosene as startup fuel and for flame stabilization. It is used on an as-needed basis. There are no specific fuel oil controls for sulfur dioxide or nitrogen oxides emissions. Sulfur dioxide and nitrogen oxides emissions are measured by the continuous emission monitoring system on Emission Point 00001.

Emission unit S00002 - AES Somerset Auxiliary Boilers



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AES Somerset Auxiliary Boiler Stack, Emission Point 0001A
Auxiliary Boiler A, Emission Source B000A
burning No. 2 fuel oil and kerosene, Process PA2
Auxiliary Boiler B, Emission Source B000B
burning No. 2 fuel oil and kerosene, Process PB2

Both Emission Sources B000A and B000B are required to supply steam for a cold start of the main unit. One emission source, at partial output, is used for house heat and for maintaining essential equipment in a hot condition when the main boiler (Emission Source B0001) is not operating. Emission Sources B000A and B000B exhaust through Emission Point 0001A.

Emission Sources B000A and B000B are small package boilers rated at 195 MMBtu/hr maximum heat input each. The emission sources burn No. 2 fuel oil mixed with kerosene as their fuel.

Emission unit S00002 is associated with the following emission points (EP):
0001A

Process: PA2 is located at GROUND, Building BOILER - Emission Unit: S-00002

Process: PA2

Emission Source B000A uses No. 2 fuel oil mixed with kerosene as its primary fuel. Emission Source B000A is used on an as-needed basis to supply steam for house heat and unit startup when the main boiler is not operating. This only occurs a few times each year. There are no specific fuel oil controls for particulate matter, sulfur dioxide, or nitrogen oxides emissions.

Process: PB2 is located at GROUND, Building BOILER - Emission Unit: S-00002

Process: PB2

Emission Source B000B uses No. 2 fuel oil mixed with kerosene as its primary fuel. Emission Source B000B is used on an as-needed basis to supply steam for house heat and unit startup when the main boiler is not operating. This only occurs a few times each year. There are no specific fuel oil controls for particulate matter, sulfur dioxide, or nitrogen oxides emissions.

Emission unit S00003 - AES Somerset Coal, Petcoke and Flyash Handling System

Coal and petcoke are delivered to AES Somerset by train. They are unloaded by a rotary car dumper in the coal unloading building.

Flyash is collected in hoppers in the electrostatic precipitator building. It is then transported pneumatically through carbon steel piping to the sludge stabilization building where it is collected and stored in silos until used in the stabilization process, disposed of in the on-site landfill, or sold off-site as beneficial use determinations (BUD) products. The storage silos are equipped with baghouses.

Process: PCP Coal, Petcoke and Flyash Handling Systems (CPFHS)

Coal and petcoke are delivered to AES Somerset by train. They are unloaded by a rotary car dumper in the coal unloading building.

Flyash is collected in hoppers in the electrostatic precipitator building. It is then transported pneumatically through carbon steel piping to the sludge stabilization building where it is collected and stored in silos until used in the stabilization process, disposed of in the on-site landfill, or sold off-site as beneficial use determinations (BUD) products. The storage silos are equipped with baghouses.



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Emission unit S00004 - AES Somerset Power Block Diesel Generator, Emission Point 00004
Power Block Diesel Generator, Emission Source G0001
Burning No. 2 fuel oil and kerosene, Process PP1

AES Somerset has a 2.2 megawatt diesel generator located by the power block to ensure a safe shutdown in the event of a loss of power. This generator may also provide power for station service.

Emission unit S00004 is associated with the following emission points (EP):
00004

Process: PP1 is located at GROUND, Building BOILER - Emission Source G0001 uses No. 2 fuel oil mixed with kerosene as its primary fuel. Emission Source G0001 is used on an as-needed basis to provide emergency power to ensure a safe shutdown of the station in the event of a loss of power. This generator may also provide power for station service. There are no particulate matter, sulfur dioxide, or nitrogen oxides emission control technologies used on this engine.

Emission unit S00005 - AES Somerset FGD Diesel Generator, Emission Point 00005

FGD Diesel Generator, Emission Source F0001
Burning diesel or No. 2 fuel oil and kerosene,
Process PF1

AES Somerset has a 1.6 megawatt diesel generator located by the FGD building to ensure a safe shutdown in the event of a loss of power. This generator may also provide power for station service.

Emission unit S00005 is associated with the following emission points (EP):
00005

Process: PF1 is located at GROUND, Building FGD - Emission Source F0001 uses diesel fuel oil as its primary fuel. Emission Source F0001 is used on an as-needed basis to provide emergency power to ensure a safe shutdown of the station in the event of a loss of power. This generator may also provide power for station service. There are no particulate matter, sulfur dioxide, or nitrogen oxides emission control technologies used on this engine.

Title V/Major Source Status

AES SOMERSET LLC is subject to Title V requirements. This determination is based on the following information:

AES Somerset was permitted as a PSD major source in 1981 under the New Source Performance Standards 40 CFR 60 Subpart Da. For Title V permitting this facility is major for emissions of SO2, NOx, CO and total particulates.

Program Applicability

The following chart summarizes the applicability of AES SOMERSET LLC with regards to the principal air pollution regulatory programs:

Regulatory Program	Applicability

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PSD	YES
NSR (non-attainment)	NO
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	YES
SIP	YES

NOTES:

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

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

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

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

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

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

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



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

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

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

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

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

SIC Code

Description

4911

ELECTRIC SERVICES

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents

a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

1-01-002-02

EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
ELECTRIC UTILITY BOILER - BITUMINOUS COAL PULVERIZED COAL: DRY BOTTOM (BITUMINOUS COAL)

1-01-005-01

EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil

2-01-001-07

INTERNAL COMBUSTION ENGINES - ELECTRIC GENERATION
ELECTRIC UTILITY INTERNAL COMBUSTION ENGINE - DISTILLATE OIL (DIESEL)

3-99-999-94

RECIPROCATING: EXHAUST
MISCELLANEOUS MANUFACTURING INDUSTRIES
MISCELLANEOUS INDUSTRIAL PROCESSES



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Other Not Classified

Facility Emissions Summary

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

Cas No.	Contaminant Name	PTE	
		lbs/yr	Range
000124-38-9	CARBON DIOXIDE		>= 100,000 tpy
000630-08-0	CARBON MONOXIDE		>= 250 tpy but < 75,000 tpy
0NY100-00-0	HAP		>= 250 tpy but < 75,000 tpy
007439-92-1	LEAD		> 0 but < 10 tpy
007439-97-6	MERCURY		> 0 but < 10 tpy
0NY210-00-0	OXIDES OF NITROGEN		>= 250 tpy but < 75,000 tpy
0NY075-00-0	PARTICULATES		>= 250 tpy but < 75,000 tpy
0NY075-00-5	PM-10		>= 250 tpy but < 75,000 tpy
007446-09-5	SULFUR DIOXIDE		>= 250 tpy but < 75,000 tpy
0NY998-00-0	VOC		>= 50 tpy but < 100 tpy

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Emergency Defense - 6 NYCRR 201-1.5

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

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

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

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- (2) The equipment at the permitted facility causing the emergency was at the time being properly operated;
- (3) During the period of the emergency the facility owner and/or operator took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (4) The facility owner and/or operator notified the Department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

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

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

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

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

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

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

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

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

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

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

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

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

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

It shall not be a defense for a permittee in an enforcement action to claim that a cessation

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or reduction in the permitted activity would have been necessary in order to maintain compliance with the conditions of this permit.

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

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

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

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

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

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

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

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

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is three or more years, a reopening shall be completed not later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which this permit is due to expire, unless the original permit or any of its terms and conditions has been extended by the Department pursuant to the provisions of Part 201-6.7 and Part 621.
- ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the



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emissions standards or other terms or conditions of the permit.

iii. The Department or the Administrator determines that the Title V permit must be revised or reopened to assure compliance with applicable requirements.

iv. If the permitted facility is an "affected source" subject to the requirements of Title IV of the Act, and additional requirements (including excess emissions requirements) become applicable. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the permit.

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

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

Item 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

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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	67	Powers and Duties of the Department with respect to air
FACILITY	40CFR 52-A.21	44	pollution control
S-00001/00001	40CFR 52-A.21	53, 54	Prevention of Significant Deterioration
S-00001/00001	40CFR 60-Da.42a (a) (1)	55	Prevention of Significant Deterioration
S-00001/00001	40CFR 60-Da.42a (b)	56	Standards for Particulate Matter
S-00001/00001	40CFR 60-Da.43a (a) (1)	57	Standards for Particulate Matter
S-00001/00001	40CFR 60-Da.43a (a) (2)	58	Standard for Sulfur Dioxide for Solid/Solid Derived Fuels
S-00001/00001	40CFR 60-Da.44a (a) (1)	59, 60	Standard for Sulfur Dioxide for Solid/Solid Derived Fuels
S-00001/00001	40CFR 60-Da.47a (a)	61	Standards for Oxides of Nitrogen
S-00003	40CFR 60-Y.252 (c)	66	Emission Monitoring. Standards of Performance for Coal Preparation Plants - standards for particulate matter
FACILITY	40CFR 63- DDDDD.7506 (b) (45	Industrial, Institutional, and Commercial Boilers
S-00001/00001	40CFR 64	62	NESHAP - Limited Requirements
FACILITY	40CFR 64.8	46	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68	21	CAM - Quality improvement plan (QIP) requirements
S-00001/00001	40CFR 72	63	Chemical accident prevention provisions
FACILITY	40CFR 82-F	22	Permits regulation
			Protection of Stratospheric Ozone - recycling and emissions reduction

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FACILITY	6NYCRR 200.6	1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7	10	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4	68	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 201-3.2 (c)	23	Exempt Activities - exempt activity list
FACILITY	6NYCRR 201-3.3 (a)	14	Trivial Activities - proof of eligibility
FACILITY	6NYCRR 201-6	24, 25, 47, 48	Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.5 (a) (4)	15	General conditions
FACILITY	6NYCRR 201-6.5 (a) (7)	2	General conditions Fees
FACILITY	6NYCRR 201-6.5 (a) (8)	16	General conditions
FACILITY	6NYCRR 201-6.5 (c)	3	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (2)	4	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (c) (3) (ii)	5	Permit conditions for Recordkeeping and Reporting of Compliance Monitoring
FACILITY	6NYCRR 201-6.5 (d) (5)	17	Compliance schedules
FACILITY	6NYCRR 201-6.5 (e)	6	Compliance Certification
FACILITY	6NYCRR 201-6.5 (f) (6)	18	Off Permit Changes
FACILITY	6NYCRR 202-1.1	19	Required emissions tests.
FACILITY	6NYCRR 202-2.1	7	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.5	8	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 207.2 (a)	26	Episode action plan for significant air contamination source
FACILITY	6NYCRR 211.2	69	General Prohibitions - visible emissions limited.
FACILITY	6NYCRR 211.3	20	General Prohibitions - visible emissions limited
FACILITY	6NYCRR 215.2	9	Open Fires - Prohibitions
FACILITY	6NYCRR 225-1.2 (a) (2)	27, 28, 70	Sulfur in Fuel Limitations Post 12/31/87.
FACILITY	6NYCRR 225-1.2 (f)	29	Allowable Control

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S-00001/00001	6NYCRR 227-1.3 (a)	49	Techniques.
S-00002/0001A	6NYCRR 227-1.3 (a)	64	Smoke Emission Limitations.
FACILITY	6NYCRR 227-1.4 (a)	71	Smoke Emission Limitations.
S-00001/00001	6NYCRR 227-1.4 (b)	50	Stack Monitoring.
FACILITY	6NYCRR 227-2.3	30	(see narrative) Stack Monitoring
S-00001/00001	6NYCRR 227-	51, 52	Compliance plan and deadlines.
S-00002/0001A	2.4 (a) (1) (i)	65	1994 NOx RACT presumptive limits.
FACILITY	6NYCRR 227-	72	1994 NOx RACT presumptive limits.
FACILITY	6NYCRR 242-1.5	73	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-4	74	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 242-8.5	74	CO2 Budget Trading Program - Reporting and recordkeeping
FACILITY	6NYCRR 243-1.6 (d)	31	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6 (e)	32	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	33	Authorization and responsibilities - CAIR Designated Representative
FACILITY	6NYCRR 243-8.1	34	General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	35	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (d)	36	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5 (e)	37	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 244-1	38	CAIR NOx Ozone Annual Trading Program General Provisions
FACILITY	6NYCRR 244-2	39	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-8	40	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 245-1	41	CAIR SO2 Trading Program General

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FACILITY	6NYCRR 245-2	42	Provisions CAIR Designated Representative for CAIR SO2 Sources Monitoring and Reporting for CAIR SO2 Trading Program
FACILITY	6NYCRR 245-8	43	Record Keeping Provisions
FACILITY	6NYCRR 246.11 (a)	82	Reporting Provisions
FACILITY	6NYCRR 246.11 (b)	83	Certification
FACILITY	6NYCRR 246.11 (c)	84	Application
FACILITY	6NYCRR 246.11 (d)	85	Quarterly Reports
FACILITY	6NYCRR 246.11 (e)	86	Compliance Certification
FACILITY	6NYCRR 246.5 (b)	76	Mercury Reduction Program Facility-wide Limits and Requirements for Existing Facilities
FACILITY	6NYCRR 246.6 (b)	75	Emission Limits for Existing Facilities, Effective January 1, 2015
FACILITY	6NYCRR 246.7 (b) (1)	77	Requirements for Installation, Certification, and Data Accounting
FACILITY	6NYCRR 246.8 (c) (1)	78	Initial Certification
FACILITY	6NYCRR 246.8 (c) (2)	79	Procedures for CEMS Recertification
FACILITY	6NYCRR 246.8 (c) (3)	80	Procedures for CEMS Approval Process for Monitoring Certification and Recertification
FACILITY	6NYCRR 246.9 (a)	81	Missing Data Procedures and Out of Control Periods for CEMS

Applicability Discussion:

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

ECL 19-0301

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

6 NYCRR 200.6

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

6 NYCRR 200.7

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

6 NYCRR 201-1.4



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

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

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

6 NYCRR 201-3.3 (a)

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

6 NYCRR Subpart 201-6

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

6 NYCRR 201-6.5 (a) (4)

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

6 NYCRR 201-6.5 (a) (7)

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

6 NYCRR 201-6.5 (a) (8)

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



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6 NYCRR 201-6.5 (c)

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

6 NYCRR 201-6.5 (c) (2)

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

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

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

6 NYCRR 201-6.5 (d) (5)

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

6 NYCRR 201-6.5 (e)

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

6 NYCRR 201-6.5 (f) (6)

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

6 NYCRR 202-1.1

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

6 NYCRR 202-2.1

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

6 NYCRR 202-2.5

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



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6 NYCRR 211.2

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

6 NYCRR 211.3

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

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

Facility Specific Requirements

In addition to Title V, AES SOMERSET LLC has been determined to be subject to the following regulations:

40 CFR 52.21

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

ie: facilities that are located in an attainment area and that emit pollutants which are listed in 40 CFR 52.21(b)(23)(i). This facility was constructed under an EPA issued PSD permit which is included within this permit. Relevant PSD requirements are also included as specific permit conditions.

40 CFR 60.252 (c)

This regulation requires that the opacity of any dust raised during coal handling operations be less than 20%.

40 CFR 60.42a (a) (1)

This regulation specifies that the opacity standard is 20% (6 minute average) except for one 6 minute period/hr not to exceed 27%, when firing solid, liquid, or gaseous fuels. Further, particulate matter emissions while firing solid, liquid, or gaseous fuels must not exceed 0.03 lb/mmBtu



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40 CFR 60.42a (b)

This regulation requires that the owner or operator of the facility to limit the opacity of the emissions from the main boiler to no greater than 20% opacity except for one 6 minute period greater than 27% opacity per hour. Opacity is monitored with a continuous opacity monitor.

40 CFR 60.43a (a) (1)

This regulation requires the owner or operator of the facility to limit the emissions of sulfur dioxide to less than 1.2 lb/mmBtu and 10 percent of the potential combustion concentration (90% reduction). However, the PSD permit limits SO₂ emissions to less than 0.70 lb/mmBtu, which is more restrictive.

40 CFR 60.43a (a) (2)

This regulation requires the owner or operator of the emission source to limit the emissions of sulfur dioxide to less than 0.6 lb/mmBtu and 30 percent of the potential combustion concentration (70% reduction).

40 CFR 60.44a (a) (1)

This regulation specifies the emission limit for oxides of nitrogen from the main boiler. The limit depends on the fuel being burned.

40 CFR 60.47a (a)

This regulation requires the owner or operator of an affected facility to install, calibrate, maintain, and operate a continuous monitoring system, and record the output of the system, for measuring sulfur dioxide emissions.

40 CFR 63.7506 (b) (2)

This condition explains that the auxiliary boilers are exempt from all parts of 40CFR 63 Subpart DDDDD-National Emission Standards For Hazardous Air Pollutants For Industrial, Commercial, and Institutional Boilers and Process Heaters (63.7480), except that they need to have initial notifications submitted. The initial notification was already submitted.

40 CFR 64.8

This citation lists the elements of a Quality Improvement Plan (QIP). A QIP may be required if a permittee has a number of exceedances or excursions of its Compliance Assurance Monitoring (CAM) program during during a reporting period.

40 CFR Part 64

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

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air



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Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

40 CFR Part 72

In order to reduce acid rain the the U.S. and Canada, Title IV of the Clean Air Act Amendments of 1990 requires the establishment of a program to reduce emissions of 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 201-3.2 (c)

This section lists the specific activities which may be exempt from the permitting provisions of this Part and list the requirements they must meet to demonstrate that the activities continue to be exempt.

6 NYCRR 207.2 (a)

This regulation covers facility episode action plans, which may be activated if ambient air conditions temporarily become bad.

6 NYCRR 225-1.2 (a) (2)

This regulation prohibits any person from selling, offering for sale, purchasing or using any fuel which contains sulfur in a quantity exceeding the limitations set forth in Table 1, Table 2, or Table 3 of this section.

6 NYCRR 225-1.2 (f)

This regulation states that the control techniques for SO₂ specified in ECL section 19-0909 (State Acid Deposition Control Act) are allowable to be used in lieu of meeting sulfur in fuel limits in Table 2.

6 NYCRR 227-1.3 (a)

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

6 NYCRR 227-1.4 (a)

Subdivisions (a) and (f) of this section (227-1.4) have not been approved by EPA and have not been included in the NYS SIP. However, this citation requires the installation of continuous opacity monitors on stationary combustion installations greater than 250 mmBtu/hr.

6 NYCRR 227-1.4 (b)



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This regulation requires the specific contents of excess emissions reports for opacity from facilities that employ continuous opacity monitors (COMs).

6 NYCRR 227-2.3

This condition describes the need to develop a compliance plan for the post June 30, 2014 NO_x RACT requirements and submit it by January 1, 2012. The facility may accept the presumptive limits listed in the regulation or request that a limit supported by a case-by-case RACT determination be used instead.

6 NYCRR 227-2.4 (a) (1) (i)

This citation sets nitrogen oxide emission limits on the main boiler to meet the existing NO_x RACT presumptive limits. These will expire on 6/30/14 when more restrictive NO_x RACT limits become effective.

6 NYCRR 227-2.4 (b) (1) (i)

This citation sets nitrogen oxide emission limits for the auxiliary boilers to meet the existing NO_x RACT presumptive limits. These will expire on 6/30/14 when more restrictive NO_x RACT limits become effective.

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 243-1.6 (d)

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

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains that



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an CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for the this program.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that CAIR NOx Ozone Season Trading Program sources must install, certify and operate monitoring systems the meet the monitoring, recordkeeping, and reporting requirements in Subpart 6NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains the what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR 246.11 (a)

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

6 NYCRR 246.11 (b)

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

6 NYCRR 246.11 (c)

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

6 NYCRR 246.11 (d)

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

6 NYCRR 246.11 (e)

This citation requires mercury reduction program facilities to submit a compliance certification statement in support of each quarterly report. It also lists the information that must be certified.

6 NYCRR 246.5 (b)

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

6 NYCRR 246.6 (b)



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This citation limits a mercury reduction program facility's mercury emission rate starting January 1, 2015 and describes the emission averaging method.

6 NYCRR 246.7 (b) (1)

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

6 NYCRR 246.8 (c) (1)

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

6 NYCRR 246.8 (c) (2)

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

6 NYCRR 246.8 (c) (3)

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

6 NYCRR 246.9 (a)

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

6 NYCRR Subpart 242-4

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

6 NYCRR Subpart 244-1

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

6 NYCRR Subpart 244-2

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

6 NYCRR Subpart 244-8

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

6 NYCRR Subpart 245-1



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Renewal Number: 1

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

6 NYCRR Subpart 245-2

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

6 NYCRR Subpart 245-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO₂ unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO₂ emission monitoring system must be used to measure SO₂ emissions. SO₂ emission reports must be certified and submitted quarterly..

Compliance Certification

Summary of monitoring activities at AES SOMERSET LLC:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring

FACILITY	44	record keeping/maintenance procedures
S-00001/00001	53	continuous emission monitoring (cem)
S-00001/00001	54	continuous emission monitoring (cem)
S-00001/00001	55	intermittent emission testing
S-00001/00001	56	monitoring of process or control device parameters as surrogate
S-00001/00001	57	continuous emission monitoring (cem)
S-00001/00001	58	continuous emission monitoring (cem)
S-00001/00001	59	continuous emission monitoring (cem)
S-00001/00001	60	continuous emission monitoring (cem)
S-00001/00001	61	continuous emission monitoring (cem)
S-00003	66	monitoring of process or control device parameters as surrogate
FACILITY	45	record keeping/maintenance procedures
S-00001/00001	62	monitoring of process or control device parameters as surrogate
FACILITY	23	work practice involving specific operations
FACILITY	25	monitoring of process or control device parameters as surrogate
FACILITY	5	record keeping/maintenance procedures
FACILITY	6	record keeping/maintenance procedures
FACILITY	7	record keeping/maintenance procedures
FACILITY	26	record keeping/maintenance procedures
FACILITY	27	work practice involving specific operations
FACILITY	28	work practice involving specific operations
FACILITY	70	work practice involving specific operations
FACILITY	29	record keeping/maintenance procedures
S-00001/00001	49	monitoring of process or control device parameters as surrogate
S-00002/0001A	64	monitoring of process or control device parameters as surrogate
S-00001/00001	50	record keeping/maintenance procedures

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FACILITY	30	record keeping/maintenance procedures
S-00001/00001	51	continuous emission monitoring (cem)
S-00001/00001	52	continuous emission monitoring (cem)
S-00002/0001A	65	record keeping/maintenance procedures
FACILITY	72	record keeping/maintenance procedures
FACILITY	73	record keeping/maintenance procedures
FACILITY	74	record keeping/maintenance procedures
FACILITY	40	record keeping/maintenance procedures
FACILITY	43	record keeping/maintenance procedures
FACILITY	82	record keeping/maintenance procedures
FACILITY	83	record keeping/maintenance procedures
FACILITY	84	record keeping/maintenance procedures
FACILITY	85	record keeping/maintenance procedures
FACILITY	86	record keeping/maintenance procedures
FACILITY	76	continuous emission monitoring (cem)
FACILITY	75	continuous emission monitoring (cem)
FACILITY	80	record keeping/maintenance procedures

Basis for Monitoring

Basis for Monitoring Title V permit AES Somerset:

Citation 6NYCRR Part 201-3.2(a) limits the hours per year the emergency generators can operate and still be considered exempt sources for permitting purposes.

Citation 6NYCRR Part 225-1.2 sets limits on the percent of sulfur in fuel oil that must be monitored each delivery and reported quarterly.

Citation 6NYCRR Part 243 sets a limit on the quantity of NO_x emitted during the ozone seasons, May 1st through September 30th. NO_x is monitored with a continuous emission monitoring system (CEMS) as prescribed by the regulation and follows the requirements of 40 CFR Part 75.

Citation 6NYCRR Part 244 sets a limit on the quantity of NO_x emitted during the calendar year. NO_x is monitored with a CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75.

Citation 6NYCRR Part 245 sets a limit on the quantity of SO₂ emitted during the calendar year. SO₂ is monitored with a continuous CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75.

Citation 40 CFR Part 60.7506(b)(2), subpart DDDDD excludes the auxiliary boilers from any monitoring but did require that they notify EPA that they were subject to the rule, which AES did do.

Citation 6NYCRR Part 227-1 sets opacity limits that are monitored with a continuous opacity monitoring system as prescribed by the regulation.



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Citation 6NYCRR Part 227-2 sets NO_x limits for the main boiler and the auxiliary boilers. NO_x is monitored with a CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75. The auxiliary boilers do not operate often so a NO_x emission factor is used instead of continuous monitoring.

Citation 40CFRR Part 52.21 sets a 30-day rolling average emission limit on SO₂ emissions that are measured with a CEMS, which follows the requirements of 40 CFR Part 75. CO emissions are also monitored with a CEMS to evaluate combustion efficiency but there is not a CO limit.

Citation 40CFR Part 60 subpart Da sets limits on particulates, SO₂ and NO_x.

Particulates are measured with emission testing at least once every permit term (5 years) and by monitoring opacity as a surrogate.

SO₂ and NO_x are monitored with a continuous CEMS's as prescribed by the regulation and which follow the requirements of 40 CFR Part 75.

Citation 40 CFR Part 64 requires continuous assurance monitoring (CAM) of particulates from the main boiler and its control systems. Opacity is monitored with COMS before the flue gas desulfurization (FGD) as a surrogate to evaluate the operation of the electrostatic precipitators. The temperature of the flue gas as it exits the FGD is monitored as a surrogate to evaluate the operation of the FGD; is enough scrubber solution being circulated in the FGD.

Citation 6NYCRR Part 60.252(c), subpart Y requires visible emission monitoring of coal handling operations to evaluate if the coal is being handled and processed in a way that minimizes fugitive particulate emissions.

Citation 6NYCRR Part 238 sets a limit on the quantity of SO₂ emitted during the calendar year. SO₂ is monitored with a continuous CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75.

Citation 6NYCRR Part 242 sets a budget limit (cap and trade program) on the quantity of CO₂ emitted during three-year calendar blocks. CO₂ is monitored with a continuous CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75.

Citation 6NYCRR Part 246 sets a limit on the quantity of mercury emitted during the calendar year. Mercury is monitored with a continuous CEMS as prescribed by the regulation and follows the requirements of 40 CFR Part 75.