

Facility DEC ID: 1282001015

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 1-2820-01015/00019  
Effective Date:

Expiration Date:

Permit Issued To: NASSAU ENERGY LLC  
185 CHARLES LINDBERGH BLVD  
GARDEN CITY, NY 11530

Facility: NASSAU ENERGY LLC  
185 CHARLES LINDBERGH BLVD  
GARDEN CITY, NY 11530

Contact: DAVID PETTY  
TRIGEN ENERGY CORP  
185 CHARLES LINDBERGH BLVD  
GARDEN CITY, NY 11530  
(516) 222-2884

Description:

The facility is a steam generating plant capable of producing hot water and chilled water which is provided to Nassau County.

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

Permit Administrator: SHERRI L AICHER  
NYSDEC - REGION 1 SUNY @ STONY BROOK  
50 CIRCLE RD  
STONY BROOK, NY 11790-3409

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

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**Notification of Other State Permittee Obligations****Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification**

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

**Item B: Permittee's Contractors to Comply with Permit**

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

**Item C: Permittee Responsible for Obtaining Other Required Permits**

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

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

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

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**PAGE LOCATION OF CONDITIONS**

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**DEC GENERAL CONDITIONS**

**General Provisions**

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**Facility Level**

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| 5 | 5 | Submission of application for permit modification or renewal - REGION 1 HEADQUARTERS |
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**DEC GENERAL CONDITIONS****\*\*\*\* General Provisions \*\*\*\*****GENERAL CONDITIONS - Apply to ALL Authorized Permits.****Condition 1: Facility Inspection by the Department****Applicable State Requirement: ECL 19-0305****Item 1.1:**

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

**Item 1.2:**

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

**Item 1.3:**

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

**Condition 2: Relationship of this Permit to Other Department Orders and Determinations****Applicable State Requirement: ECL 3-0301 (2) (m)****Item 2.1:**

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

**Condition 3: Applications for permit renewals, modifications and transfers****Applicable State Requirement: 6 NYCRR 621.11****Item 3.1:**

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

**Item 3.2:**

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

**Item 3.3**

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

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**Condition 4: Permit modifications, suspensions or revocations by the Department**  
**Applicable State Requirement: 6 NYCRR 621.13**

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal - REGION 1 HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Applications for permit modification or renewal are to be submitted to:  
 NYSDEC Regional Permit Administrator  
 Region 1 Headquarters  
 Division of Environmental Permits  
 Stony Brook University  
 50 Circle Road  
 Stony Brook, NY 11790-3409  
 (631) 444-0365

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

**ARTICLE 19: AIR POLLUTION CONTROL - AIR STATE FACILITY PERMIT**

**IDENTIFICATION INFORMATION**

Permit Issued To: NASSAU ENERGY LLC  
185 CHARLES LINDBERGH BLVD  
GARDEN CITY, NY 11530

Facility: NASSAU ENERGY LLC  
185 CHARLES LINDBERGH BLVD  
GARDEN CITY, NY 11530

Authorized Activity By Standard Industrial Classification Code:  
4939 - COMBINATION UTILITY SERVICES

Permit Effective Date:

Permit Expiration Date:

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- 8 5 6 NYCRR 215.2: Open Fires - Prohibitions
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- 9 7 6 NYCRR 201-1.7: Recycling and Salvage
- 10 8 6 NYCRR 201-1.8: Prohibition of Reintroduction of  
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- 14 17 40CFR 60.4, NSPS Subpart A: EPA Region 2 address.
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- 17 21 6 NYCRR 227-1.4 (a): Compliance Demonstration

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- 21 24 6 NYCRR Subpart 201-5: Emission Unit Definition
- 22 25 6 NYCRR Subpart 201-5: Compliance Demonstration
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- 23 27 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 23 28 6 NYCRR 201-5.3 (c): CLCPA Applicability
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**Emission Unit Level**

- 24 31 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 25 32 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

**Item A: Sealing - 6 NYCRR 200.5**

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

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

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

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

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Item C: Maintenance of Equipment - 6 NYCRR 200.7**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications,



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required to operate such device effectively.

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

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

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

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

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

**Item F: Prohibition of Reintroduction of Collected Contaminants to the Air - 6 NYCRR 201-1.8**

No person shall unnecessarily remove, handle, or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Item G: Proof of Eligibility for Sources Defined as Exempt Activities - 6 NYCRR 201-3.2 (a)**

The owner and/or operator of an emission source or unit that is eligible to be exempt, may be required to certify that it operates within the specific criteria described in 6 NYCRR Subpart 201-3. The owner or operator of any such emission source must maintain all required records on-site for a period of five years and make them available to representatives of the Department upon request.

Department representatives must be granted access to any facility which contains emission sources or units subject to 6 NYCRR Subpart 201-3, during normal operating hours, for the purpose of determining compliance with this and any other state and federal air pollution control requirements, regulations, or law.

**Item H: Proof of Eligibility for Sources Defined as Trivial**

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**Activities - 6 NYCRR 201-3.3 (a)**

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

**Item I: Required Emission Tests - 6 NYCRR 202-1.1**

An acceptable report of measured emissions shall be submitted, as may be required by the Commissioner, to ascertain compliance or noncompliance with any air pollution code, rule, or regulation. Failure to submit a report acceptable to the Commissioner within the time stated shall be sufficient reason for the Commissioner to suspend or deny an operating permit. Notification and acceptable procedures are specified in 6 NYCRR Subpart 202-1.

**Item J: Open Fires Prohibitions - 6 NYCRR 215.2**

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

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

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

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

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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.

**FEDERAL APPLICABLE REQUIREMENTS****The following conditions are federally enforceable.****Condition 1: Acceptable Ambient Air Quality  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 200.6****Item 1.1:**

Notwithstanding the provisions of 6 NYCRR Chapter III, Subchapter A, no person shall allow or permit any air contamination source to emit air contaminants in quantities which alone or in combination with emissions from other air contamination sources would contravene any applicable ambient air quality standard and/or cause air pollution. In such cases where contravention occurs or may occur, the Commissioner shall specify the degree and/or method of emission control required.

**Condition 2: Fees  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 201-6.4 (a) (7)****Item 2.1:**

The owner and/or operator of a stationary source shall pay fees to the Department consistent with the fee schedule authorized by ECL 72-0303.

**Condition 3: Recordkeeping and Reporting of Compliance Monitoring  
Effective for entire length of Permit****Applicable Federal Requirement: 6 NYCRR 201-6.4 (c)****Item 3.1:**

The following information must be included in any required compliance monitoring records and reports:

- (i) The date, place, and time of sampling or measurements;
- (ii) The date(s) analyses were performed;

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- (iii) The company or entity that performed the analyses;
- (iv) The analytical techniques or methods used including quality assurance and quality control procedures if required;
- (v) The results of such analyses including quality assurance data where required; and
- (vi) The operating conditions as existing at the time of sampling or measurement.

Any deviation from permit requirements must be clearly identified in all records and reports. Reports must be certified by a responsible official, consistent with Section 201-6.2 of Part 201.

**Condition 4: Recordkeeping requirements**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 202-2.5**

**Item 4.1:**

- (a) The following records shall be maintained for at least five years:
  - (1) a copy of each emission statement submitted to the department; and
  - (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.
- (b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 5: Open Fires - Prohibitions**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 215.2**

**Item 5.1:**

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

**Item 5.2**

Per Section 215.3, burning in an open fire, provided it is not contrary to other law or regulation, will be allowed as follows:

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous

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agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.

(e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.

(f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

(g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.

(h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.

(i) Prescribed burns performed according to Part 194 of this Title.

(j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.

(k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.

(l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

**Condition 6: Maintenance of Equipment**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 200.7**

**Item 6.1:**

Any person who owns or operates an air contamination source which is equipped with an emission control device shall operate such device and keep it in a satisfactory state of maintenance and repair in accordance with ordinary and necessary practices, standards and procedures, inclusive of manufacturer's specifications, required to operate such device effectively.

**Condition 7: Recycling and Salvage**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-1.7**

**Item 7.1:**

Where practical, the owner or operator of an air contamination source shall recycle or salvage air contaminants collected in an air cleaning device according to the requirements of the ECL.

**Condition 8: Prohibition of Reintroduction of Collected Contaminants to**

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the air

Effective for entire length of Permit

**Applicable Federal Requirement:6 NYCRR 201-1.8**

**Item 8.1:**

No person shall unnecessarily remove, handle or cause to be handled, collected air contaminants from an air cleaning device for recycling, salvage or disposal in a manner that would reintroduce them to the outdoor atmosphere.

**Condition 9: Required Emissions Tests**  
Effective for entire length of Permit

**Applicable Federal Requirement:6 NYCRR 202-1.1**

**Item 9.1:**

For the purpose of ascertaining compliance or non-compliance with any air pollution control code, rule or regulation, the Department may require the person who owns such air contamination source to submit an acceptable report of measured emissions within a stated time.

**Condition 10: Accidental release provisions.**  
Effective for entire length of Permit

**Applicable Federal Requirement:40 CFR Part 68**

**Item 10.1:**

If a chemical is listed in Tables 1,2,3 or 4 of 40 CFR §68.130 is present in a process in quantities greater than the threshold quantity listed in Tables 1,2,3 or 4, the following requirements will apply:

- a) The owner or operator shall comply with the provisions of 40 CFR Part 68 and;
- b) The owner or operator shall submit at the time of permit issuance (if not previously submitted) one of the following, if such quantities are present:
  - 1) A compliance schedule for meeting the requirements of 40 CFR Part 68 by the date provided in 40 CFR §68.10(a) or,
  - 2) A certification statement that the source is in compliance with all requirements of 40 CFR Part 68, including the registration and submission of the Risk Management Plan. Information should be submitted to:

Risk Management Plan Reporting Center  
C/O CSC  
8400 Corporate Dr  
Carrollton, Md. 20785

**Condition 11: Recycling and Emissions Reduction**

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**Effective for entire length of Permit**

**Applicable Federal Requirement: 40 CFR 82, Subpart F**

**Item 11.1:**

The permittee shall comply with all applicable provisions of 40 CFR Part 82.

**Condition 12: Facility Permissible Emissions**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR Subpart 201-7**

**Item 12.1:**

The sum of emissions from the emission units specified in this permit shall not equal or exceed the following

Potential To Emit (PTE) rate for each regulated contaminant:

CAS No: 0NY210-00-0

PTE: 49,800 pounds per year

Name: OXIDES OF NITROGEN

**Condition 13: Capping Monitoring Condition**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR Subpart 201-7**

**Item 13.1:**

Under the authority of 6 NYCRR Part 201-7, this condition contains an emission cap for the purpose of limiting emissions from the facility, emission unit or process to avoid being subject to the following applicable requirement(s) that the facility, emission unit or process would otherwise be subject to:

6 NYCRR 201-6.1 (a)

**Item 13.2:**

Operation of this facility shall take place in accordance with the approved criteria, emission limits, terms, conditions and standards in this permit.

**Item 13.3:**

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.

**Item 13.4:**

On an annual basis, unless otherwise specified below, beginning one year after the granting of an emissions cap, the responsible official shall provide a certification to the Department that the facility has operated all emission units within the limits imposed by the emission cap. This certification shall include a brief summary of the emissions subject to the cap for that time period and a comparison to the threshold levels that would require compliance with an applicable requirement.

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**Item 13.5:**

The emission of pollutants that exceed the applicability thresholds for an applicable requirement, for which the facility has obtained an emissions cap, constitutes a violation of Part 201 and of the Act.

**Item 13.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY210-00-0      OXIDES OF NITROGEN

**Item 13.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility owner or operator shall limit emissions of Oxides of Nitrogen to less than 49,800 pounds (24.9 tons) per year on a rolling 12-month total basis. To demonstrate compliance with this limit the facility owner or operator shall maintain a record of the quantity of each fuel fired at the facility on a monthly basis. The facility owner or operator shall calculate monthly and rolling 12-month total NOx emissions (including exempt sources) using the following formula:

$$(A \times E1) + (B \times E2) = \text{monthly NOx emissions (pounds)}$$

where:

A= Monthly total natural gas fired in the boilers, in mmcf

E1= Emission rate for natural gas-fired boilers

B = Monthly total distillate fuel fired in the boilers, in 1,000 gal

E2 = Emission rate for distillate oil-fired boilers

The calculation is based on the most recent Department approved stack test result. Emission factors for gas and oil are based upon facility stack test data for each piece of equipment. The facility owner or operator shall maintain a record of each monthly and rolling 12-month total calculation performed pursuant to this condition and all data used when making the calculation. All records kept pursuant to this condition shall be maintained at the facility for a period of at least five years and must be provided to the Department upon request. The facility owner or operator shall prepare and submit an annual capping certification to the Department. Each



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certification shall contain the monthly and rolling 12-month total NO<sub>x</sub> emissions calculated pursuant to this condition. In addition, the report shall contain a summary of the data used to perform the calculations.

Parameter Monitored: OXIDES OF NITROGEN  
Upper Permit Limit: 49,800 pounds per year  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 14: Visible Emissions Limited**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 211.2**

**Item 14.1:**

Except as permitted by a specific part of this Subchapter and for open fires for which a restricted burning permit has been issued, no person shall cause or allow any air contamination source to emit any material having an opacity equal to or greater than 20 percent (six minute average) except for one continuous six-minute period per hour of not more than 57 percent opacity.

**Condition 15: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 15.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL  
Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

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Parameter Monitored: SULFUR CONTENT  
Upper Permit Limit: 0.0015 percent by weight  
Monitoring Frequency: PER DELIVERY  
Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 16: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 16.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 16.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The owner or operator of a stationary combustion installation must perform an annual tune-up on each emission source subject to 6 NYCRR Subpart 227-1. Records of the tune-up shall be maintained at the facility or at a Department approved alternative location for a minimum of five years. The records shall, at a minimum, include the date the tune-up(s) occurred and the details of the tune-up procedures for each emission source.

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 17: EPA Region 2 address.**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 40CFR 60.4, NSPS Subpart A**

**Item 17.1:**

All requests, reports, applications, submittals, and other communications to the Administrator pursuant to this part shall be submitted in duplicate to the following address:

Director, Division of Enforcement and Compliance Assistance  
USEPA Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1886

Copies of all correspondence to the administrator pursuant to this part shall also be submitted to the NYSDEC Regional Office issuing this permit (see address at the beginning of this permit)

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and to the following address:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway  
Albany, NY 12233-3258

**Condition 18: Boilers not subject  
Effective for entire length of Permit**

**Applicable Federal Requirement: 40 CFR 63.11195, NESHAP Subpart JJJJJJ**

**Item 18.1:**

The types of boilers listed in paragraphs (a) through (k) are not subject to 40 CFR 63 Subpart JJJJJJ and to any requirements in that subpart.

- (a) Any boiler specifically listed as, or included in the definition of, an affected source in another standard(s) under Part 63.
- (b) Any boiler specifically listed as an affected source in another standard(s) established under section 129 of the Clean Air Act.
- (c) A boiler required to have a permit under section 3005 of the Solid Waste Disposal Act or covered by subpart EEE of this part (e.g., hazardous waste boilers).
- (d) A boiler that is used specifically for research and development. This exemption does not include boilers that solely or primarily provide steam (or heat) to a process or for heating at a research and development facility. This exemption does not prohibit the use of the steam (or heat) generated from the boiler during research and development, however, the boiler must be concurrently and primarily engaged in research and development for the exemption to apply.
- (e) A gas-fired boiler as defined in 40 CFR 63 Subpart JJJJJJ.
- (f) A hot water heater as defined in 40 CFR 63 Subpart JJJJJJ.
- (g) Any boiler that is used as a control device to comply with another Subpart of Part 63, or Part 60, Part 61, or Part 65 of this chapter provided that at least 50 percent of the average annual heat input during any 3 consecutive calendar years to the boiler is provided by regulated gas streams that are subject to another standard.
- (h) Temporary boilers as defined in 40 CFR 63 Subpart JJJJJJ.
- (i) Residential boilers as defined in 40 CFR 63 Subpart JJJJJJ.
- (j) Electric boilers as defined in 40 CFR 63 Subpart JJJJJJ.
- (k) An electric utility steam generating unit (EGU) as defined in subpart JJJJJJ.

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

**Condition 19: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 19.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SBSGU

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Any owner or operator of a stationary combustion installation (excluding combustion turbines) or a group of stationary combustion installations firing oil or oil in combination with other liquid or gaseous fuels with a total maximum heat input capacity of at least 50 million Btus per hour is required to meet the 0.1 lbs/mmBtu particulate matter standard. Compliance with this standard will be met by keeping vendor certified fuel receipts which contain the sulfur content of the oil being fired as required in Subpart 225-1 of this Title.

Monitoring Frequency: PER DELIVERY

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 20: Compliance Demonstration  
Effective for entire length of Permit**

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

**Item 20.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SBSGU

**Item 20.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a stationary combustion installation subject to this Subpart shall operate an emission source which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The owner or operator will conduct a Method 9 test annually. A report of the results of the test will be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the Department for a minimum of five years.

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: 40 CFR 60, Appendix A, Method 9

Monitoring Frequency: ANNUALLY

Averaging Method: 6-MINUTE AVERAGE (METHOD 9)

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 12 calendar month(s).

**Condition 21: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 21.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: 1-SBSGU

**Item 21.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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

2) The results of each observation must be recorded in a

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bound logbook or other format acceptable to the Department. The following data must be recorded for each stack:

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

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

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

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

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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# **STATE ONLY ENFORCEABLE CONDITIONS**

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

## **NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

(4) the facility owner or operator notified the department within two working days after the event occurred. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and any corrective actions taken.

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

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

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

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

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with 6 NYCRR Part 616 - Public Access to Records.  
Facility owners and/or operators must submit the records  
required to comply with the request within sixty working  
days of written notification by the Department.

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

The following conditions are state only enforceable.

**Condition 22: Contaminant List**  
**Effective for entire length of Permit**

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

**Item 22.1:**

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

CAS No: 0NY210-00-0

Name: OXIDES OF NITROGEN

**Condition 23: Malfunctions and Start-up/Shutdown Activities**  
**Effective for entire length of Permit**

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



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**Item 23.1:**

(a) The facility owner or operator shall take all necessary and appropriate actions to prevent the emission of air pollutants that result in contravention of any applicable emission standard during periods of start-up, shutdown, or malfunction.

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

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

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

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

**Condition 24:      Emission Unit Definition**  
**Effective for entire length of Permit**

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

**Item 24.1:**

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

Emission Unit: 1-SBSGU

Emission Unit Description:

Three steam producing boilers burning either natural gas  
or ultra low sulfur distillate oil as a backup fuel.  
Boilers 1 and 2 are Murray units rated at 84 MMBtu/hr, and

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Boiler 3 is a Trane unit rated at 137 MMBtu/hr. There are three stacks, one for each boiler, all in the same building.

Building(s): BOILP

**Condition 25: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 25.1:**

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

Emission Unit: 1-SBSGU

Process: FOO

Emission Source: MB002

Emission Unit: 1-SBSGU

Process: Gas

Emission Source: MB002

**Item 25.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of the facility shall notify the department within 30 days of the commencement of construction/repair of the boiler. Within 180 days after the re-start of the boiler, the owner or operator shall conduct a stack test for oxides of nitrogen (NO<sub>x</sub>). Stack testing must be conducted pursuant to a department approved test protocol and shall be submitted not less than 30 days prior to the test. The results of the test shall be submitted to the department within 60 days after the completion of stack test for department approval. The results of this test shall be used as an emission factor in the calculation used to determine the facility's compliance with their NO<sub>x</sub> emissions cap.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 26: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 26.1:**

The Compliance Demonstration activity will be performed for the Facility.

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Regulated Contaminant(s):  
CAS No: 0NY210-00-0 OXIDES OF NITROGEN

**Item 26.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility owner or operator shall limit ultra low sulfur distillate oil (ULSD) use in the boilers to less than 749,000 gallons per year on a rolling 12-month total basis. To demonstrate compliance with this limit the facility owner or operator shall continuously monitor the amount of ULSD fired at the facility. The owner or operator shall maintain a record of the quantity of ULSD fired at the facility annually based on a 12-month rolling basis. All records kept pursuant to this condition shall be maintained at the facility for a period of at least five years and must be provided to the Department semiannually.

Work Practice Type: PROCESS MATERIAL THRUPUT

Process Material: FUEL

Upper Permit Limit: 749000 gallons per year

Monitoring Frequency: CONTINUOUS

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 6 calendar month(s).

**Condition 27: Renewal deadlines for state facility permits  
Effective for entire length of Permit**

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

**Item 27.1:**

The owner or operator of a facility having an issued state facility permit shall submit a complete application at least 180 days, but not more than eighteen months, prior to the date of permit expiration for permit renewal purposes.

**Condition 28: CLCPA Applicability  
Effective for entire length of Permit**

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

**Item 28.1:**

Pursuant to The New York State Climate Leadership and Community Protection Act (CLCPA) and Article 75 of the Environmental Conservation Law, emission sources shall comply with

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regulations to be promulgated by the Department to ensure that by 2030 statewide greenhouse gas emissions are reduced by 40% of 1990 levels, and by 2050 statewide greenhouse gas emissions are reduced by 85% of 1990 levels.

**Condition 29: Compliance Demonstration**  
**Effective for entire length of Permit**

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

**Item 29.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 29.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Division of Air Resources  
NYS Dept. of Environmental Conservation  
Region 1  
SUNY at Stony Brook  
Building 40  
Stony Brook, NY 11790-2356

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 30: Air pollution prohibited**  
**Effective for entire length of Permit**

**Applicable State Requirement: 6 NYCRR 211.1**

**Item 30.1:**

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

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

**Condition 31: Emission Point Definition By Emission Unit**  
**Effective for entire length of Permit**

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**Applicable State Requirement:6 NYCRR Subpart 201-5****Item 31.1:**

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

Emission Unit: 1-SBSGU

Emission Point: 00001

Height (ft.): 50

NYTMN (km.): 4509.3

Diameter (in.): 48

NYTME (km.): 619.1

Building: BOILP

Emission Point: 00002

Height (ft.): 50

NYTMN (km.): 4509.3

Diameter (in.): 48

NYTME (km.): 619.1

Building: BOILP

Emission Point: 00003

Height (ft.): 50

NYTMN (km.): 4509.3

Diameter (in.): 54

NYTME (km.): 619.1

Building: BOILP

**Condition 32: Process Definition By Emission Unit  
Effective for entire length of Permit****Applicable State Requirement:6 NYCRR Subpart 201-5****Item 32.1:**

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

Emission Unit: 1-SBSGU

Process: FOO

Source Classification Code: 1-01-005-01

Process Description:

Steam producing boilers burning ultra low sulfur  
distillate oil.

Emission Source/Control: MB001 - Combustion

Emission Source/Control: MB002 - Combustion

Emission Source/Control: TB001 - Combustion

**Item 32.2:**

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

Emission Unit: 1-SBSGU

Process: Gas

Source Classification Code: 1-03-006-02

Process Description: Steam producing boilers burning natural gas

Emission Source/Control: MB001 - Combustion

Emission Source/Control: MB002 - Combustion

Emission Source/Control: TB001 - Combustion

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