

Facility DEC ID: 2630401378

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility

Permit ID: 2-6304-01378/00002

Effective Date:

Expiration Date:

Permit Issued To: CONSOLIDATED EDISON COMPANY OF NEW YORK, INC.  
4 IRVING PL  
NEW YORK, NY 10003-3502

Contact: FEMI OGUNSOLA  
CONSOLIDATED EDISON CO OF NY INC  
4 IRVING PL RM 15 NE  
NEW YORK, NY 10003-3502  
(212) 460-1223

Facility: RAVENSWOOD STEAM PLANT  
38-54 VERNON BLVD  
LONG ISLAND CITY, NY 11101

Contact: FEMI OGUNSOLA  
CONSOLIDATED EDISON CO OF NY INC  
4 IRVING PL RM 15 NE  
NEW YORK, NY 10003-3502  
(212) 460-1223

Description:

This facility consists of four (4) 424 mmbtu/hr steam boilers ducted through two stacks (00001 and 00002). Two (2) emergency generators are also available to supply electricity in the event of a power failure.

All boilers have the capability to fire residual fuel oil and natural gas (co-fire for ignition and up to 20% of maximum heat input) and proposing to add the capability to fire distillate oil, biofuel and renewable liquid fuel.

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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:       STEPHEN A WATTS  
  47-40 21ST ST  
  LONG ISLAND CITY, NY 11101-5401

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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**DEC GENERAL CONDITIONS**

\*\*\*\* General Provisions \*\*\*\*

**For the purpose of your Title V permit, the following section contains state-only enforceable terms and conditions.**

**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

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submitted prior to actual transfer of ownership.

**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 2**  
**HEADQUARTERS**  
**Applicable State Requirement: 6 NYCRR 621.6 (a)**

**Item 5.1:**

Submission of applications for permit modification or renewal are to be submitted to:  
NYSDEC Regional Permit Administrator  
Region 2 Headquarters  
Division of Environmental Permits  
1 Hunters Point Plaza, 4740 21st Street  
Long Island City, NY 11101-5407  
(718) 482-4997

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

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

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4 IRVING PL  
NEW YORK, NY 10003-3502

Facility: RAVENSWOOD STEAM PLANT  
38-54 VERNON BLVD  
LONG ISLAND CITY, NY 11101

Authorized Activity By Standard Industrial Classification Code:  
4961 - STEAM SUPPLY

Permit Effective Date:

Permit Expiration Date:

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- 8 3 6 NYCRR 201-6.4 (c): Recordkeeping and Reporting of Compliance Monitoring
- 8 4 6 NYCRR 201-6.4 (c) (2): Records of Monitoring, Sampling, and Measurement
- 9 5 6 NYCRR 201-6.4 (c) (3) (ii): Compliance Certification
- 11 6 6 NYCRR 201-6.4 (e): Compliance Certification
- 13 7 6 NYCRR 202-2.1: Compliance Certification
- 13 8 6 NYCRR 202-2.5: Recordkeeping requirements
- 13 9 6 NYCRR 215.2: Open Fires - Prohibitions
- 15 10 6 NYCRR 200.7: Maintenance of Equipment
- 15 11 6 NYCRR 201-1.7: Recycling and Salvage
- 15 12 6 NYCRR 201-1.8: Prohibition of Reintroduction of Collected Contaminants to the air
- 15 13 6 NYCRR 201-3.2 (a): Exempt Sources - Proof of Eligibility
- 16 14 6 NYCRR 201-3.3 (a): Trivial Sources - Proof of Eligibility
- 16 15 6 NYCRR 201-6.4 (a) (4): Requirement to Provide Information
- 16 16 6 NYCRR 201-6.4 (a) (8): Right to Inspect
- 17 17 6 NYCRR 202-1.1: Required Emissions Tests
- 17 18 40 CFR Part 68: Accidental release provisions.
- 17 19 40CFR 82, Subpart F: Recycling and Emissions Reduction
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- 18 21 6 NYCRR 201-6.4 (d) (4): Progress Reports Due Semiannually
- 18 22 6 NYCRR 201-6.4 (f): Operational Flexibility
- 19 23 6 NYCRR Subpart 201-7: Facility Permissible Emissions
- 19 \*24 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 20 \*25 6 NYCRR Subpart 201-7: Capping Monitoring Condition
- 22 26 6 NYCRR 202-2.4 (a) (3): Statement dates for emissions statements.
- 22 27 6 NYCRR Part 207: Submittal of Episode Action Plans
- 22 28 6 NYCRR 211.2: Visible Emissions Limited
- 23 29 6 NYCRR 225-1.2 (c): Compliance Certification
- 23 30 6 NYCRR 225-1.2 (d): Compliance Certification
- 24 31 6 NYCRR 225-1.6 (f): Compliance Certification
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- 31 36 6 NYCRR 231-11.2 (b): Compliance Certification
- 32 37 40CFR 63, Subpart JJJJJ: Applicability
- 32 38 40CFR 63, Subpart ZZZZ: Applicability
- 33 **Emission Unit Level**
- 33 39 6 NYCRR Subpart 201-6: Emission Point Definition By Emission Unit
- 33 40 6 NYCRR Subpart 201-6: Process Definition By Emission Unit

**EU=U-BLR13,EP=00001**

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- 36 41 6 NYCRR 227-1.4 (a): Compliance Certification
- 37 42 6 NYCRR 227-1.5 (b) (2): Compliance Certification

**EU=U-BLR24**

- 38 43 6 NYCRR 249.3 (a): Compliance Certification

**EU=U-BLR24,EP=00002**

- 39 44 6 NYCRR 227-1.4 (a): Compliance Certification
- 40 45 6 NYCRR 227-1.5 (b) (2): Compliance Certification

**STATE ONLY ENFORCEABLE CONDITIONS**

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- 43 46 ECL 19-0301: Contaminant List
- 43 47 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 44 48 6 NYCRR 201-6.5 (a): Compliance Demonstration
- 45 49 6 NYCRR 211.1: Air pollution prohibited

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 3/DRAFT

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

The items listed below are not subject to the annual compliance certification requirements under Title V. Permittees may also have other obligations under regulations of general applicability.

**Item A: 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 B: Timely Application for the Renewal of Title V Permits - 6 NYCRR 201-6.2 (a) (4)**

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

**Item C: Certification by a Responsible Official - 6 NYCRR 201-6.2 (d) (12)**

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

**Item D: Requirement to Comply With All Conditions - 6 NYCRR 201-6.4 (a) (2)**

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

**Item E: Permit Revocation, Modification, Reopening, Reissuance or Termination, and Associated Information Submission Requirements - 6 NYCRR 201-6.4 (a) (3)**

This permit may be modified, revoked, reopened and reissued, or terminated for cause. The filing of a request by the permittee for a permit modification, revocation and

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reissuance, or termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.

**Item F: Cessation or Reduction of Permitted Activity Not a Defense - 6 NYCRR 201-6.4 (a) (5)**

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

**Item G: Property Rights - 6 NYCRR 201-6.4 (a) (6)**

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

**Item H: Severability - 6 NYCRR 201-6.4 (a) (9)**

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

**Item I: Permit Shield - 6 NYCRR 201-6.4 (g)**

All permittees granted a Title V facility permit shall be covered under the protection of a permit shield, except as provided under 6 NYCRR Subpart 201-6. Compliance with the 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

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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 J: Reopening for Cause - 6 NYCRR 201-6.4 (i)**

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

i. When additional applicable requirements under the act become applicable to a title V facility with a remaining permit term of 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 the 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 section 201- 6.6 of this Subpart.

ii. The Department or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.

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

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

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

Reopenings shall not be initiated before a notice of such intent is provided to the facility by the Department at least thirty days in advance of the date that the permit

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is to be reopened, except that the Department may provide a shorter time period in the case of an emergency.

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

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

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

All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to 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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS AT ALL TIMES**

**The following federally enforceable permit conditions are mandatory for all Title V permits and are subject to annual compliance certification requirements at all times.**

**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

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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;
- (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: Records of Monitoring, Sampling, and Measurement  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (c) (2)**

**Item 4.1:**

Compliance monitoring and recordkeeping shall be conducted according to the terms and conditions contained in this permit and shall follow all quality assurance requirements found in applicable regulations. Records of all monitoring data and support information must be retained for a period of at least 5 years from the date of the monitoring, sampling, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all

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reports required by the permit.

**Condition 5: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (c) (3) (ii)**

**Item 5.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 5.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

To meet the requirements of this facility permit with respect to reporting, the permittee must:

Submit reports of any required monitoring at a minimum frequency of every 6 months, based on a calendar year reporting schedule. These reports shall be submitted to the Department within 30 days after the end of a reporting period. All instances of deviations from permit requirements must be clearly identified in such reports. All required reports must be certified by the responsible official for this facility.

Notify the Department and report permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken. Where the underlying applicable requirement contains a definition of prompt or otherwise specifies a time frame for reporting deviations, that definition or time frame shall govern. Where the underlying applicable requirement fails to address the time frame for reporting deviations, reports of deviations shall be submitted to the permitting authority based on the following schedule:

- (1) For emissions of a hazardous air pollutant (as identified in an applicable regulation) that continue for more than an hour in excess of permit requirements, the report must be made within 24 hours of the occurrence.
- (2) For emissions of any regulated air pollutant, excluding those listed in paragraph (1) of this section, that continue for more than two hours in excess of permit requirements, the report must be made within 48 hours.
- (3) For all other deviations from permit requirements,

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the report shall be contained in the 6 month monitoring report required above.

(4) This permit may contain a more stringent reporting requirement than required by paragraphs (1), (2) or (3) above. If more stringent reporting requirements have been placed in this permit or exist in applicable requirements that apply to this facility, the more stringent reporting requirement shall apply.

If above paragraphs (1) or (2) are met, the source must notify the permitting authority by telephone during normal business hours at the Regional Office of jurisdiction for this permit, attention Regional Air Pollution Control Engineer (RAPCE) according to the timetable listed in paragraphs (1) and (2) of this section. For deviations and incidences that must be reported outside of normal business hours, on weekends, or holidays, the DEC Spill Hotline phone number at 1-800-457-7362 shall be used. A written notice, certified by a responsible official consistent with 6 NYCRR Part 201-6.2(d)(12), must be submitted within 10 working days of an occurrence for deviations reported under (1) and (2). All deviations reported under paragraphs (1) and (2) of this section must also be identified in the 6 month monitoring report required above.

The provisions of 6 NYCRR 201-1.4 shall apply if the permittee seeks to have a violation excused unless otherwise limited by regulation. In order to have a violation of a federal regulation (such as a new source performance standard or national emissions standard for hazardous air pollutants) excused, the specific federal regulation must provide for an affirmative defense during start-up, shutdowns, malfunctions or upsets. Notwithstanding any recordkeeping and reporting requirements in 6 NYCRR 201-1.4, reports of any deviations shall not be on a less frequent basis than the reporting periods described in paragraphs (1) and (4) above.

In the case of any condition contained in this permit with a reporting requirement of "Upon request by regulatory agency" the permittee shall include in the semiannual report, a statement for each such condition that the monitoring or recordkeeping was performed as required or requested and a listing of all instances of deviations from these requirements.

In the case of any emission testing performed during the previous six month reporting period, either due to a request by the Department, EPA, or a regulatory requirement, the permittee shall include in the semiannual

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report a summary of the testing results and shall indicate whether or not the Department or EPA has approved the results.

All semiannual reports may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). Mailing addresses for the above referenced persons are contained in the monitoring condition for 6 NYCRR Part 201-6.4(e), contained elsewhere in this permit.

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 6: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 201-6.4 (e)**

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

Requirements for compliance certifications with terms and conditions contained in this facility permit include the following:

- i. Compliance certifications shall contain:
  - the identification of each term or condition of the permit that is the basis of the certification;
  - the compliance status;
  - whether compliance was continuous or intermittent;
  - the method(s) used for determining the compliance status of the facility, currently and over the reporting period consistent with the monitoring and related record keeping and reporting requirements of this permit;
  - such other facts as the Department may require to determine the compliance status of the facility as specified in any special permit terms or conditions;

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and

- such additional requirements as may be specified elsewhere in this permit related to compliance certification.

ii. The responsible official must include in the annual certification report all terms and conditions contained in this permit which are identified as being subject to certification, including emission limitations, standards, or work practices. That is, the provisions labeled herein as "Compliance Certification" are not the only provisions of this permit for which an annual certification is required.

iii. Compliance certifications shall be submitted annually. Certification reports are due 30 days after the anniversary date of four consecutive calendar quarters. The first report is due 30 days after the calendar quarter that occurs just prior to the permit anniversary date, unless another quarter has been acceptable by the Department.

iv. All annual compliance certifications may be submitted electronically or physically. Electronic reports shall be submitted using the Department's Air Compliance and Emissions Electronic-Reporting system (ACE). If the facility owner or operator elects to send physical copies instead, two copies shall be sent to the Department (one copy to the regional air pollution control engineer (RAPCE) in the regional office and one copy to the Bureau of Quality Assurance (BQA) in the DEC central office) and one copy shall be sent to the Administrator (or his or her representative). The mailing addresses for the above referenced persons are:

Chief – Air Compliance Branch  
USEPA Region 2 DECA/ACB  
290 Broadway, 21st Floor  
New York, NY 10007

The address for the RAPCE is as follows:

Regional Air Pollution Control Engineer  
Hunters Point Plaza  
47-40 21st Street  
Long Island City, NY 11101-5407

The address for the BQA is as follows:

NYSDEC  
Bureau of Quality Assurance  
625 Broadway

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Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2024.  
Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 202-2.1**

**Item 7.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 7.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Monitoring Frequency: ANNUALLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 106 days after the reporting period.  
Subsequent reports are due every 12 calendar month(s).

**Condition 8: Recordkeeping requirements**  
**Effective for entire length of Permit**

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

**Item 8.1:**

(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 9: Open Fires - Prohibitions**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 215.2**

**Item 9.1:**

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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 9.2**

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 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.

**MANDATORY FEDERALLY ENFORCEABLE PERMIT CONDITIONS  
SUBJECT TO ANNUAL CERTIFICATIONS ONLY IF APPLICABLE**

**The following federally enforceable permit conditions are mandatory for all**



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**Condition 14: Trivial Sources - Proof of Eligibility**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-3.3 (a)**

**Item 14.1:**

The owner or operator of an emission source or activity that is listed as being trivial in this Section may be required to certify that it is operated within the specific criteria described in this Subpart. The owner or operator of any such emission source or activity must maintain all required records on-site for a period of five years and make them available to representatives of the department upon request.

**Condition 15: Requirement to Provide Information**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (4)**

**Item 15.1:**

The owner and/or operator shall furnish to the department, within a reasonable time, any information that the department may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. Upon request, the permittee shall also furnish to the department copies of records required to be kept by the permit or, for information claimed to be confidential, the permittee may furnish such records directly to the administrator along with a claim of confidentiality, if the administrator initiated the request for information or otherwise has need of it.

**Condition 16: Right to Inspect**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (a) (8)**

**Item 16.1:**

The department or an authorized representative shall be allowed upon presentation of credentials and other documents as may be required by law to:

- (i) enter upon the permittee's premises where a facility subject to the permitting requirements of this Subpart is located or emissions-related activity is conducted, or where records must be kept under the conditions of the permit;
- (ii) have access to and copy, at reasonable times, any records that must be kept under the conditions of the permit;
- (iii) inspect at reasonable times any emission sources, equipment (including monitoring and air pollution control equipment), practices, and operations regulated or required under the permit; and
- (iv) sample or monitor at reasonable times substances or parameters for the purpose of assuring compliance with the permit or applicable requirements.

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**Condition 17: Required Emissions Tests**  
**Effective for entire length of Permit**

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

**Item 17.1:**

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

**Condition 18: Accidental release provisions.**  
**Effective for entire length of Permit**

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

**Item 18.1:**

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 19: Recycling and Emissions Reduction**  
**Effective for entire length of Permit**

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

**Item 19.1:**

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

**The following conditions are subject to annual compliance certification requirements for Title V permits only.**

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**Condition 20: Emission Unit Definition**  
**Effective for entire length of Permit**

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

**Item 20.1:**

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

Emission Unit: U-BLR13

Emission Unit Description:

This emission unit consists of two face fired boiler that generates steam for commercial, institutional and for residential use. Boilers ESAH1 and ESAH3 share a common stack 00001.

Building(s): BOILERHS

**Item 20.2:**

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

Emission Unit: U-BLR24

Emission Unit Description:

This emission unit consists of two face fired boiler that generates steam for commercial, institutional and for residential use. Boilers ESAH2 and ESAH4 share a common stack 00002.

Building(s): BOILERHS

**Condition 21: Progress Reports Due Semiannually**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (d) (4)**

**Item 21.1:**

Progress reports consistent with an applicable schedule of compliance are to be submitted at least semiannually, or at a more frequent period if specified in the applicable requirement or by the department. Such progress reports shall contain the following:

- (i) dates for achieving the activities, milestones, or compliance required in the schedule of compliance, and dates when such activities, milestones or compliance were achieved; and
- (ii) an explanation of why any dates in the schedule of compliance were not or will not be met, and any preventive or corrective measures adopted.

**Condition 22: Operational Flexibility**  
**Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 201-6.4 (f)**

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**Item 22.1:**

A permit modification is not required for changes that are provided for in the permit. Such changes include approved alternate operating scenarios and changes that have been submitted and approved pursuant to an established operational flexibility protocol and the requirements of this section. Each such change cannot be a modification under any provision of Title I of the Clean Air Act or exceed, or cause the facility to exceed, an emissions cap or limitation in the permit. The facility owner or operator must incorporate all changes into any compliance certifications, record keeping, and/or reporting required by the permit.

**Condition 23: Facility Permissible Emissions  
Effective for entire length of Permit**

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

**Item 23.1:**

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: 0NY100-00-0

PTE: 49,999 pounds per year

Name: TOTAL HAP

**Condition 24: Capping Monitoring Condition  
Effective for entire length of Permit**

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

**Item 24.1:**

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:

40 CFR Part 63, Subpart DDDDD

**Item 24.2:**

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

**Item 24.3:**

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 24.4:**

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

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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.

**Item 24.5:**

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 24.6:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY100-00-0 TOTAL HAP

**Item 24.7:**

Compliance Certification shall include the following monitoring:

Capping: Yes

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

Facility wide total emissions of individual Hazardous Air Pollutant (HAP) are limited to 9.9 tons per year

Facility must maintain records demonstrating compliance with this limit on site, and must be available upon request.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL

Parameter Monitored: TOTAL HAP

Upper Permit Limit: 9.9 tons per year

Reference Test Method: EPA approved

Monitoring Frequency: MONTHLY

Averaging Method: 12-MONTH TOTAL, 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 25: Capping Monitoring Condition  
Effective for entire length of Permit**

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

**Item 25.1:**

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:



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Monitoring Frequency: MONTHLY  
Averaging Method: 12-MONTH TOTAL, 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 26: Statement dates for emissions statements.  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 202-2.4 (a) (3)**

**Item 26.1:**

This facility is required to submit an annual emission statement electronically and these emissions statements must be submitted to the department as per the following schedule:

- (i) March 15th of each year for facilities with three or fewer processes listed in their Title V permit:
- (ii) March 31st of each year for facilities with four to six processes listed in their Title V permit:
- (iii) April 15th of each year for facilities with 7 to 12 processes listed in their Title V permit:
- (iv) April 30th of each year for facilities with 13 or more processes listed in their Title V permit.

**Condition 27: Submittal of Episode Action Plans  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR Part 207**

**Item 27.1:**

An episode action plan must be submitted for approval by the Department in accordance with the requirements of 6NYCRR Part 207. The plan shall contain detailed steps which will be taken by the facility to reduce air contaminant emissions during each stage of an air pollution episode. Once approved, the facility shall take whatever actions are prescribed by the episode action plan when an air pollution episode is in effect.

**Condition 28: Visible Emissions Limited  
Effective for entire length of Permit**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 28.1:**

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.

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

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

**Item 29.1:**

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

Emission Unit: U-BLR13  
Process: P13

Emission Unit: U-BLR24  
Process: P17

**Item 29.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC  
OPERATIONS

Monitoring Description:

Owners or operators of emission sources that fire residual oil are limited to a 0.30 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: FUEL OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.30 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY  
TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 30: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 30.1:**

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

Permit ID: 2-6304-01378/00002

Facility DEC ID: 2630401378

Emission Unit: U-BLR13  
Process: PB1

Emission Unit: U-BLR13  
Process: PD1

Emission Unit: U-BLR13  
Process: PR1

Emission Unit: U-BLR24  
Process: PB2

Emission Unit: U-BLR24  
Process: PD2

Emission Unit: U-BLR24  
Process: PR2

**Item 30.2:**

Compliance Certification 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: NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

Averaging Method: MAXIMUM - NOT TO BE EXCEEDED AT ANY TIME (INSTANTANEOUS/DISCRETE OR GRAB)

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

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

**Condition 31: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 225-1.6 (f)**

**Item 31.1:**

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The Compliance Certification activity will be performed for the Facility.

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must maintain records of excess emissions. The owner or operator must submit a written report of the fuel sulfur content exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable sulfur-in-fuel limitation, measured emissions exceeding the applicable equivalent emission rate, and the nature and cause of such exceedances if known, for each calendar quarter, within 30 days after the end of any quarterly period in which an exceedance[s] takes place. These records must be kept on site or at a Department approved alternative location for a minimum of five years.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

**Condition 32: Compliance Certification  
Effective for entire length of Permit**

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

**Item 32.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 32.2:**

Compliance Certification 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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Permit ID: 2-6304-01378/00002

Facility DEC ID: 2630401378

Reports due 30 days after the reporting period.  
Subsequent reports are due every 6 calendar month(s).

**Condition 33: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 33.1:**

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

Emission Unit: U-BLR13

Emission Unit: U-BLR24

**Item 33.2:**

Compliance Certification 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 34: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 34.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

In response to New York State Department of Environmental

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Conservation opacity regulations, Con Edison installed and certified Lear Siegler RM41 transmissometers on applicable Fossil Power stacks during the early 1980s. In 1994 and 1995, as part of Con Edison's Continuous Emissions Monitoring System (CEMS) program, existing equipment at all facilities was replaced with new state-of-the-art Land Model 4500 units.

In the subsequent years, Con Edison has replaced the opacity monitor with newer version to maintain reliable opacity monitoring system.

New recorders were installed and digital opacity indicators were placed in control rooms so that Station operators would have real-time opacity readings.

Con-Edison's opacity monitors shall be operated and maintained in accordance with the requirements of 40 CFR Part 75.

1. Opacity Incident Reporting:

Con Edison shall prepare opacity incident reports consistent with the requirements of this paragraph. The term opacity incident as used in this condition means smoke emissions which exhibit greater than 20% opacity (6-minute average).

Opacity incident report shall be maintained by Con Edison for a period of three years and shall be made available for inspection by the Department on demand. To provide a consistent and permanent record of all reportable opacity events, incident reporting was initiated in 1994. The reports consist of documenting incident events by way of Incident Reports in Con Edison's Central information database system. Incident Reports identify personnel on duty, a brief summary of the incident and as necessary a sequence of events, a preliminary cause analysis and associated corrective action requirements. All opacity Incident Reports are available electronically to cognizant Con Edison departments and personnel for their information, review and use. Incident Reports form the basis for more detailed root cause analysis, corrective actions, design modifications and project/program development and implementation.

2. Opacity Reporting Compliance Audits:

Con Edison shall conduct monthly opacity reporting compliance audits consistent with the requirements of this paragraph. Monthly opacity reporting compliance audits have been performed since April, 1994 and shall continue to be performed to ensure compliance with applicable regulatory reporting requirements. Audits include a detailed review of all opacity charts or recording device

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data for the prior month, confirmation that all indicated events were properly reported and documented, charts properly marked, survey sheets completed and all documentation retained. Comprehensive audit reports shall continue to be prepared to identify all relevant observations. Items tabulated include missing chart hours and survey sheets, events greater than 20% opacity, events greater than 40% opacity, total incidents, incidents reported and events covered by Incident Reports.

3. Awareness, Communications and Training:

Con Edison shall comply with the opacity awareness, communications and training provisions of this paragraph. Several significant initiatives have been undertaken to ensure and reinforce personnel understanding of the regulatory and operational requirements associated with this opacity. Awareness has been heightened by consistently and effectively communicating mandates throughout all levels of Con Edison's Steam Operations organization. Opacity audit results, significant or unusual exceedances, trends, goals, new developments and/or opacity reduction initiatives shall be included as agenda items, when appropriate, at a variety of meetings, including the monthly meeting of the Steam Operations Vice President with the Plant Managers, the Steam Operations Program Managers Meeting, and/or the Operations, Maintenance, E H and S and Technical Managers Meeting in order to promote continuing improvement in opacity awareness and compliance. Some of the opacity exceedances will be included in the review and discussion agenda of each monthly Incident Report Review Meeting, which is attended by key Steam Operations managers from each station, as well as EH&S and Central Engineering personnel.

At the local generating station level, opacity understanding and awareness shall be communicated on an ongoing basis from station management to supervisory and operating and maintenance personnel. Such communications shall be reinforced by operator interaction with personnel assigned as Opacity Auditors. Formal operator training is required of all personnel in order to receive their Air Pollution Control Certificates. A formal Air Pollution Control Refresher Course has been developed by the Company and was given to all control room operators by December 1998. Training and newly positioned control room operator continues on an ongoing basis. It shall provide training in opacity regulatory requirements, fundamentals of combustion, and the balance between NOx control and opacity and continuous emissions monitoring interface.

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## 4. Preventive Maintenance:

Con Edison shall conduct, on an ongoing basis, a preventive maintenance program as described in this paragraph. Review of opacity-related Incident Reports by Con Edison has identified equipment deficiencies, both in design and maintenance. The consistent and repetitive nature of maintenance-related deficiencies has indicated the need for a comprehensive boiler component opacity reduction preventive maintenance program. The program has been fully operational since mid-1996. It consists of three phases defined as follows:

Phase 1 - identify essential program elements including repetitive deficiencies;

Phase 2 - develop procedures for each identified element;

Phase 3 - consists of ongoing implementation of preventive maintenance.

The primary elements of Con Edison's ongoing preventive maintenance program for opacity reductions consist of regular inspection, calibration, and/or servicing of the following equipment in each of the generating stations:

- CEMS stack opacity monitoring equipment;
- Boiler control and instrumentation;
- Fuel oil and gas meters;
- Fuel oil pumps and strainers;
- Boiler fireside tubes (to minimize ash build-up);
- Air preheaters (to minimize ash build-up);
- Control-air air compressors;
- Fuel oil regulators;
- Atomizing steam regulators;
- Fan dampers and actuators; and
- Oil guns and tips.

This program may be revised by adding appropriate new maintenance requirements and deleting ineffective or obsolete maintenance activities based on operating experience or changes in equipment operation. The Department shall be notified of all significant additions and deletions to the preventive maintenance program via Con Edison's quarterly report to the Department.

## 5. Root Cause Analysis and Corrective Actions:

Con Edison shall conduct root cause analyses as described in this paragraph and shall take all corrective actions

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that are deemed necessary to maintain full compliance with the State's opacity requirements. A comprehensive Root Cause Analysis program, including deficiency categorization and correction of categorized deficiencies was implemented in April 1995. Incident categories include oil, air, atomizing steam, ignition, burner and combustion control system deficiencies. Analysis, categorization and corrective action development shall be performed monthly by the facility's Boiler System Engineer and other station personnel. Corrections due to equipment failure, malfunction and marginal design shall be accomplished by corrective maintenance and simple design basis enhancement activities. Correction of operation deviations include focused training, minimized soot blowing and increased boiler fireside washes. Significant design basis deficiencies shall be corrected by the development and implementation of design basis enhancement projects, including, but not limited to, fuel switching and ignition and control system retrofits.

6. Quarterly Reports:

Con Edison shall submit to the Department quarterly reports each May 15, August 15, November 15 and February 15, which describe activities and progress that Con Edison has made during the preceding quarter in carrying out the requirements of paragraphs 1 through 5 above in this condition. Penalties will not be assessed for excess opacity emission events attributable solely to equipment malfunctions or boiler start-ups or shut-downs, (as those terms are defined in 40 CFR § 60.2); provided that, Con Edison identifies those events in its quarterly excess emission reports, certifies that the events were not preventable and the Department does not dispute Con Edison's claim that such events were not preventable. When requested by the Department, Con Edison shall make available to the Department any incident reports and root cause analysis that it prepared for such events. Con Edison shall expressly identify in its quarterly excess emission reports instances of excess opacity attributable to soot blowing, operator error, or careless operation of properly functioning equipment.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**Condition 35: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-2.5 (c)**

**Item 35.1:**

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

Emission Unit: U-BLR13

Emission Unit: U-BLR24

Regulated Contaminant(s):

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

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

As per the NOx RACT Plan updated March 1, 2024, revised for the for cost adjustment for inflation, facility will comply with case by case NOx limit of 0.25 lb/mmBtu for its very large boilers. Compliance with the limit will be demonstrated by CEMS in accordance with the 6 NYCRR 227-2.6(b).

This is for the emission unit U-BLR13 (Process P13, P14, PB1, PD1 and PR1 for Emission Sources ESAH1 and ESAH3) and for the emission unit U-BLR24 (Process P17, P18, PB2, PD2 and PR2 for Emission Sources ESAH2 and ESAH4).

Manufacturer Name/Model Number: Certified CEM

Upper Permit Limit: 0.25 pounds per million Btus

Reference Test Method: 40 CFR 60, App. A, Method 7 or equivalent

Monitoring Frequency: CONTINUOUS

Averaging Method: 24-HOUR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

**Condition 36: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 231-11.2 (b)**

**Item 36.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 36.2:**



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

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

**Condition 39: Emission Point Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 39.1:**

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

Emission Unit: U-BLR13

Emission Point: 00001

Height (ft.): 150 Diameter (in.): 133  
 NYTMN (km.): 4512.709 NYTME (km.): 589.04 Building: BOILERHS

**Item 39.2:**

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

Emission Unit: U-BLR24

Emission Point: 00002

Height (ft.): 150 Diameter (in.): 133  
 NYTMN (km.): 4512.63 NYTME (km.): 589.031 Building: BOILERHS

**Condition 40: Process Definition By Emission Unit  
Effective for entire length of Permit**

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

**Item 40.1:**

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

Emission Unit: U-BLR13

Process: P13 Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of residual oil in a face fired steam generating boiler. The facility may use bio residual fuel which is equivalent in all respect to residual fuel oil. This shall not result in increase in emission in any respect.

Emission Source/Control: ESAH1 - Combustion  
 Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH3 - Combustion

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Design Capacity: 424 million Btu per hour

**Item 40.2:**

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

Emission Unit: U-BLR13

Process: P14

Source Classification Code: 1-03-006-01

Process Description:

This process is the combustion of natural gas (for ignition and up to 20% of maximum heat input) in a face fired steam generating boiler.

Emission Source/Control: ESAH1 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH3 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.3:**

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

Emission Unit: U-BLR13

Process: PB1

Source Classification Code: 1-03-006-01

Process Description:

This process is the combustion of biofuel in a face fired steam generating boiler. This shall not result in increase in emission in any respect.

Emission Source/Control: ESAH1 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH3 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.4:**

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

Emission Unit: U-BLR13

Process: PD1

Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of distillate oil in a face fired steam generating boiler. This shall not result in increase in emission in any respect.

Emission Source/Control: ESAH1 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH3 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.5:**

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

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Emission Unit: U-BLR13

Process: PR1

Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of renewable liquid fuel in a face fired steam generating boiler. This shall not result in increase in emission in any respect.

Emission Source/Control: ESAH1 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH3 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.6:**

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

Emission Unit: U-BLR24

Process: P17

Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of residual fuel oil in a face fired steam generating boiler. The facility may use bio residual fuel which is equivalent in all respect to residual fuel oil. This shall not result in increase in emissions in any respect.

Emission Source/Control: ESAH2 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH4 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.7:**

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

Emission Unit: U-BLR24

Process: P18

Source Classification Code: 1-03-006-01

Process Description:

This process is the combustion of natural gas (for ignition and up to 20% of maximum heat input) in a face fired steam generating boiler.

Emission Source/Control: ESAH2 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH4 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.8:**

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

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Emission Unit: U-BLR24

Process: PB2

Source Classification Code: 1-03-006-01

Process Description:

This process is the combustion of biofuel in a face fired steam generating boiler. This shall not result in increase in emissions in any respect.

Emission Source/Control: ESAH2 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH4 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.9:**

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

Emission Unit: U-BLR24

Process: PD2

Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of distillate oil in a face fired steam generating boiler. This shall not result in increase in emissions in any respect.

Emission Source/Control: ESAH2 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH4 - Combustion

Design Capacity: 424 million Btu per hour

**Item 40.10:**

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

Emission Unit: U-BLR24

Process: PR2

Source Classification Code: 1-03-004-01

Process Description:

This process is the combustion of renewable liquid fuel in a face fired steam generating boiler. This shall not result in increase in emissions in any respect.

Emission Source/Control: ESAH2 - Combustion

Design Capacity: 424 million Btu per hour

Emission Source/Control: ESAH4 - Combustion

Design Capacity: 424 million Btu per hour

**Condition 41: Compliance Certification  
Effective for entire length of Permit**

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

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**Item 41.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-BLR13

Emission Point: 00001

**Item 41.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average utilizing a continuous opacity monitor (COM) and maintain a record of all measurements made by the COM and the hours of COM downtime. 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, app. b

Monitoring Frequency: CONTINUOUS

Averaging Method: 6 MINUTE AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

**Condition 42: Compliance Certification  
Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-1.5 (b) (2)**

**Item 42.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-BLR13

Emission Point: 00001

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator required to operate a COM shall submit an accurate excess emissions and monitoring system performance report to the Department for each calendar year quarter. All reports shall be certified by a responsible official as true, accurate and complete and post marked by the 30th day following the end of each calendar quarter. The quarterly excess emissions report

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shall be submitted in a form acceptable to the Department and shall include the following minimum information:

(i) the magnitude, date and time of each six-minute block average during which the average opacity of emissions exceeds 20 percent, except for one six-minute block average per hour not to exceed 27 percent;

(ii) identification of the specific cause and corrective action taken for each period of excess emission;

(iii) identification of all periods of COM down time, including the date, time and duration of each inoperable period, and the cause and corrective action for each COM down time period;

(iv) the total time in which the COM is required to record data during the reporting period; and

(v) the total number of exceedances and the duration of exceedances expressed as a percentage of the total time in which the COM is required to record data.

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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 43: Compliance Certification**  
**Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 249.3 (a)**

**Item 43.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-BLR24

Regulated Contaminant(s):  
 CAS No: 0NY075-00-0 PARTICULATES

**Item 43.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

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This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze Program. This condition applies to the boiler ESAH2.

Particulate matter(PM) emissions of the boiler ESAH2 is limited to 0.1 lbs/mmbtu.

The facility shall record the boiler consumption of natural gas and residual oil a daily basis. The compliance of the PM emission limit during oil firing shall be verified by performing stack test, using department approved methods, once every five years, and for natural gas, by using AP 42 emission factors.

The compliance deadline, with the emission limitation listed in this condition is January 1, 2014. Compliance with the monitoring, record keeping, or reporting requirements listed in this condition begins on January 1, 2014.

Upper Permit Limit: 0.1 pounds per million Btus  
 Reference Test Method: EPA approved  
 Monitoring Frequency: Once every five years  
 Averaging Method: 1-HOUR AVERAGE  
 Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 44: Compliance Certification**  
**Effective for entire length of Permit**

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

**Item 44.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-BLR24                      Emission Point: 00002

**Item 44.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a combustion installation shall emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average utilizing a continuous opacity monitor (COM) and maintain a record of all measurements made by the COM and the hours of COM downtime. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the

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Department for a minimum of five years.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 6 MINUTE AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 45: Compliance Certification  
 Effective for entire length of Permit**

**Applicable Federal Requirement: 6 NYCRR 227-1.5 (b) (2)**

**Item 45.1:**

The Compliance Certification activity will be performed for:

Emission Unit: U-BLR24                      Emission Point: 00002

**Item 45.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator required to operate a COM shall submit an accurate excess emissions and monitoring system performance report to the Department for each calendar year quarter. All reports shall be certified by a responsible official as true, accurate and complete and post marked by the 30th day following the end of each calendar quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the Department and shall include the following minimum information:

- (i) the magnitude, date and time of each six-minute block average during which the average opacity of emissions exceeds 20 percent, except for one six-minute block average per hour not to exceed 27 percent;
- (ii) identification of the specific cause and corrective action taken for each period of excess emission;
- (iii) identification of all periods of COM down time, including the date, time and duration of each inoperable period, and the cause and corrective action for each COM down time period;
- (iv) the total time in which the COM is required to record data during the reporting period; and

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(v) the total number of exceedances and the duration of exceedances expressed as a percentage of the total time in which the COM is required to record data.

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.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

Subsequent reports are due every 3 calendar month(s).

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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: 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

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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 applicable requirements and are not subject to compliance certification requirements unless otherwise noted or required under 6 NYCRR Part 201.**

**Condition 46: Contaminant List  
Effective for entire length of Permit**

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

**Item 46.1:**

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

CAS No: 0NY075-00-0  
Name: PARTICULATES

CAS No: 0NY100-00-0  
Name: TOTAL HAP

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

**Condition 47: Malfunctions and Start-up/Shutdown Activities  
Effective for entire length of Permit**

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

**Item 47.1:**

(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.

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(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 48: Compliance Demonstration**  
**Effective for entire length of Permit**

**Applicable State Requirement: 6 NYCRR 201-6.5 (a)**

**Item 48.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 48.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

As discussed in the January 6, 2023 addendum to the CLCPA analysis prepared for this facility, the facility owner shall relinquish the operating permit for this facility by

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January 1, 2030.

The facility owner or operator shall submit written notification of the intended date for the relinquishment of this permit at least 30 days in advance of such date. Such notice shall include the following information at a minimum:

1. Identification of the permit to be relinquished by permit number;
2. A description of the reason the permit is being relinquished; and
3. An explanation of any actions the facility owner or operator has taken or will take prior to terminating the remaining term of the permit.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 49: Air pollution prohibited  
Effective for entire length of Permit**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 49.1:**

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.

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