

Facility DEC ID: 2640300014

PERMIT
Under the Environmental Conservation Law (ECL)

IDENTIFICATION INFORMATION

Permit Type: Air Title V Facility
Permit ID: 2-6403-00014/00031
Mod 0 Effective Date: 02/12/2018 Expiration Date: 02/11/2023
Mod 1 Effective Date: 10/20/2022 Expiration Date: 02/11/2023

Permit Issued To: ARTHUR KILL POWER LLC
4401 VICTORY BLVD
STATEN ISLAND, NY 10314

Contact: RODNEY JOHNSON
ARTHUR KILL POWER LLC
4401 VICTORY BLVD
STATEN ISLAND, NY 10314
(718) 390-2711

Facility: ARTHUR KILL GENERATING STATION
4401 VICTORY BLVD
STATEN ISLAND, NY 10314

Contact: RODNEY JOHNSON
ARTHUR KILL POWER LLC
4401 VICTORY BLVD
STATEN ISLAND, NY 10314
(718) 390-2711

Description:

This permit modification is being done to include 251 requirements.

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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4401 VICTORY BLVD
STATEN ISLAND, NY 10314

Facility: ARTHUR KILL GENERATING STATION
4401 VICTORY BLVD
STATEN ISLAND, NY 10314

Authorized Activity By Standard Industrial Classification Code:
4911 - ELECTRIC SERVICES
5541 - GASOLINE SERVICE STATIONS

Mod 0 Permit Effective Date: 02/12/2018

Permit Expiration Date: 02/11/2023

Mod 1 Permit Effective Date: 10/20/2022

Permit Expiration Date: 02/11/2023

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FEDERALLY ENFORCEABLE CONDITIONS

Renewal 3/Mod 1/FINAL

**** 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 between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement: 6 NYCRR 200.6****Item 1.1:**

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

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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 between the dates of 02/12/2018 and 02/11/2023

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 between the dates of 02/12/2018 and 02/11/2023

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 between the dates of 02/12/2018 and 02/11/2023

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 between the dates of 02/12/2018 and 02/11/2023

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.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

Condition 1-1: Compliance Certification
Effective between the dates of 10/20/2022 and 02/11/2023

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

Item 1-1.1:

The Compliance Certification activity will be performed for the Facility.

Item 1-1.2:

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

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specified in any special permit terms or conditions;
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

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625 Broadway
Albany, NY 12233-3258

Monitoring Frequency: ANNUALLY
Reporting Requirements: ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 1/30/2019.
Subsequent reports are due on the same day each year

Condition 7: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

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.
The initial report is due 4/15/2019.
Subsequent reports are due every 12 calendar month(s).

Condition 1-2: Recordkeeping requirements
Effective between the dates of 10/20/2022 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 202-2.5

Item 1-2.1:
(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 8: Recordkeeping requirements
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 202-2.5

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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 between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 215.2

Item 9.1:

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 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

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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 Title V permits and are subject to annual compliance certification requirements only if effectuated during the reporting period.

[NOTE: The corresponding annual compliance certification for those conditions not effectuated during the reporting period shall be specified as "not applicable".]

**Condition 1-3: Maintenance of Equipment
Effective between the dates of 10/20/2022 and 02/11/2023**

Applicable Federal Requirement:6 NYCRR 200.7

Item 1-3.1:

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 10: Maintenance of Equipment
Effective between the dates of 02/12/2018 and 02/11/2023**

Applicable Federal Requirement:6 NYCRR 200.7

Item 10.1:

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 11: Recycling and Salvage
Effective between the dates of 02/12/2018 and 02/11/2023**

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Applicable Federal Requirement:6 NYCRR 201-1.7**Item 11.1:**

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 12: Prohibition of Reintroduction of Collected Contaminants to the air**Effective between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement:6 NYCRR 201-1.8****Item 12.1:**

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 13: Exempt Sources - Proof of Eligibility**Effective between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement:6 NYCRR 201-3.2 (a)****Item 13.1:**

The owner or operator of an emission source or activity that is listed as being exempt 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 records necessary for demonstrating compliance with this Subpart on-site for a period of five years, and make them available to representatives of the department upon request.

Condition 14: Trivial Sources - Proof of Eligibility**Effective between the dates of 02/12/2018 and 02/11/2023****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 between the dates of 02/12/2018 and 02/11/2023****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

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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 between the dates of 02/12/2018 and 02/11/2023

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.

Condition 18: Required Emissions Tests
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 202-1.1

Item 18.1:

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 19: Accidental release provisions.
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40 CFR Part 68

Item 19.1:

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:

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- 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 20: Recycling and Emissions Reduction
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40CFR 82, Subpart F

Item 20.1:
 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.

Condition 21: Emission Unit Definition
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 21.1(From Mod 1):
 The facility is authorized to perform regulated processes under this permit for:
 Emission Unit: A-K0001
 Emission Unit Description:
 Very large boilers 20 and 30. Boiler 20 is face fired and
 Boiler 30 is tangentially fired.

Building(s): BOILERHS

Item 21.2(From Mod 1):
 The facility is authorized to perform regulated processes under this permit for:
 Emission Unit: A-K0003
 Emission Unit Description:
 One house boiler rated at 65 MMBtu/hr. This boiler

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combusts natural gas and is equipped with a flue gas recirculation system.

Building(s): BOILERHS

Item 21.3(From Mod 1):

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

Emission Unit: A-K0005

Emission Unit Description:

One combustion turbine rated at 235 MMBtu/hr which can combust distillate or natural gas. The combustion turbine is equipped with a 430 hp diesel starter engine.

Building(s): GTFAC

Item 21.4(From Mod 1):

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

Emission Unit: A-K0013

Emission Unit Description:

Emission unit consists of two emergency diesel-fired generators, installed in 1969. They are added to accommodate placing a condition in the permit to address an archival particulate limit of 0.10 lbs/MMBtu on each unit, found in a previous version of the Part 227 regulation (5/1/72 - SIP approved 9/22/72). The generators are housed in the Turbine Room. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Building(s): TURBINERM

Condition 22: Progress Reports Due Semiannually
Effective between the dates of 02/12/2018 and 02/11/2023

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

Item 22.1:

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 1-4: Operational Flexibility
Effective between the dates of 10/20/2022 and 02/11/2023

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

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Item 1-4.1:

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: Notification**Effective between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement:6 NYCRR 202-1.2****Item 23.1:**

A person who is required by the commissioner to submit a stack test report shall notify the commissioner, in writing, not less than 30 days prior to the test, of the time and date of the test. Such notification shall also include the acceptable procedures to be used to stack test including sampling and analytical procedures. Such person shall allow the commissioner, or his representative, free access to observe stack testing being conducted by such person.

Condition 24: Acceptable procedures - Stack test report submittal**Effective between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement:6 NYCRR 202-1.3****Item 24.1:**

Emission test reports must be submitted in triplicate to the commissioner within 60 days after the completion of the tests, unless additional time is requested in writing.

Condition 1-5: Statement dates for emissions statements.**Effective between the dates of 10/20/2022 and 02/11/2023****Applicable Federal Requirement:6 NYCRR 202-2.4 (a) (3)****Item 1-5.1:**

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.

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Condition 25: Submittal of Episode Action Plans

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR Part 207**Item 25.1:**

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 50: Visible Emissions Limited

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 211.2**Item 50.1:**

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 1-6: Compliance Certification

Effective between the dates of 10/20/2022 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 227-1.3 (a)**Item 1-6.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

Item 1-6.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The owner or operator of a stationary combustion installation shall submit a compliance test protocol to the Department for approval at least 30 days prior to conducting compliance testing of the 0.1 lb/mmBtu particulate matter standard. The owner or operator shall submit the results to the Department for approval within 60 days of the conclusion of compliance testing. Testing shall be conducted once per term of the permit. All records associated with the testing shall be maintained on

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site or at a Department approved alternative location for a minimum of five years.

Parameter Monitored: PARTICULATES
 Upper Permit Limit: 0.1 pounds per million Btus
 Reference Test Method: 40 CFR 60, Appendix A, Method 5
 Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT
 Averaging Method: 1-HOUR AVERAGE
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2023.
 Subsequent reports are due every 6 calendar month(s).

Condition 1-7: Compliance Certification
 Effective between the dates of 10/20/2022 and 02/11/2023

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

Item 1-7.1:
 The Compliance Certification activity will be performed for the Facility.

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

Item 1-7.2:
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

This Condition addresses the Arthur Kill Generating Station (the Facility).

1. Opacity Monitors

Permittee's opacity monitors shall be properly operated and maintained in accordance with the requirements of 40 CFR Part 75, 6 NYCRR Part 227, the manufacturer's recommendations and Permittee's Quality Assurance/Quality Control program.

2. Opacity Incident Reporting

A. Permittee shall prepare an Opacity Incident Report (OIR) for each excess opacity event. An excess opacity emission event, as used in this condition, means smoke emissions of one or more six minute periods in which the average opacity exceeds 20%, which are caused by the same circumstance, except that one event in every hour may be excluded if the average opacity during the six-minute period does not exceed 27%.

B. Each OIR shall include a description of the event, the

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start and end times, the duration, a sequence of events, the maximum value, a preliminary cause analysis including the reason code and corrective action requirements including the corrective action code. These reports will be generated and maintained in the Facility's CEMS Data Acquisition System computer and identified as Exceedance Data Exception Reports. The OIRs will be maintained for a period of five years and shall be made available to the New York State Department of Environmental Conservation (the Department) on demand.

C. If the Facility experiences two or more unexcused excess opacity events in a calendar quarter, Permittee shall submit a written report of excess emissions for that calendar quarter in which the excess opacity events occurred which includes an opacity summary as well as an opacity excursion report in accordance with 6 NYCRR §227-1.4. Such reports shall include, at a minimum, the required information set forth at 6 NYCRR §227-1.4(b), and a summary page providing: the total number of reported exceedances; the total number of unexcused exceedances; monitor downtime expressed as a percentage of operating time; and compliance rates, based on both total reported and unexcused exceedances, expressed (to the hundredth) as a percentage of operating time.

3. Opacity Reporting Compliance Audits

If the Facility experiences two or more unexcused excess opacity events per calendar month, Permittee shall conduct a monthly opacity reporting compliance audit for that month consistent with the requirements of this paragraph.

If required, such audits include a detailed review of all opacity data for the prior month and confirmation that all indicated events were properly reported and documented, survey sheets completed and all documentation retained. Comprehensive audit reports shall be prepared to identify all relevant observations. Items to be tabulated include missing survey sheets, events greater than 20% opacity, events greater than 40% opacity, total incidents, and incidents reported.

4. Awareness, Communications and Training

Permittee shall comply with the opacity awareness, communications and training provisions of this paragraph.

If the Facility experiences two or more unexcused excess opacity events in one calendar month, opacity audit

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results and initiatives shall be made formal agenda items at regular meetings conducted by the plant personnel. Opacity reduction program activities shall also be discussed at the same meetings.

Opacity understanding and awareness shall be communicated on an on-going basis from station management to supervisory and operating and maintenance personnel. Permittee shall provide training in opacity regulatory requirements, fundamentals of combustion, and the balance between NOx control, and opacity and continuous emissions monitoring interface.

5. Preventive Maintenance

Permittee submitted a preventive maintenance program, which is incorporated into and is an enforceable part of this Condition. The Department shall be notified of all significant additions and deletions to the preventive maintenance program.

6. Root Cause Analysis and Corrective Actions

Permittee shall conduct root cause analyses and shall take all corrective actions that are deemed necessary to maintain the Facility in full compliance with the State's opacity requirements.

7. Quarterly Reports

Beginning 45 days after the effective date of this permit, Permittee shall submit to the Department quarterly reports 60 days following the end of the calendar quarter (May 30, August 30, November 30 and February 28) which describe the activities and progress that the Permittee has made during the preceding quarter in carrying out the requirements of paragraphs 1 through 7 of this Condition

ARTHUR KILL STATION OPACITY PREVENTIVE MAINTENANCE PROGRAM

PURPOSE:

In order to minimize opacity incidents, preventive maintenance will be performed on a periodic basis to reduce or eliminate equipment malfunctions that could lead to an opacity incident.

BACKGROUND:

In addition to performing opacity audits, awareness and training and root cause and corrective analysis an effective opacity preventive maintenance program can

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reduce the number of opacity incidents. Routine maintenance can reduce the number and length of opacity incidents.

PROGRAM:

The elements of the preventive maintenance program are listed on the table below. Some items only pertain to when oil is being burned. Those groups indicated as responsible for that element will perform these elements on a periodic basis. Any deficiencies will be corrected or added to the major overhaul list for correction during an outage.

DOCUMENTATION:

Completed checklists will be kept on file at the facility and made available for agency inspection for a period of five years.

ARTHUR KILL GENERATING STATION OPACITY PM

PROGRAM - OIL OPERATION

Date	Element	Unit	Description	Responsibility	Check
					Performed
	Fireside Operations	20	Inspect		
		20	Clean	Vendor	
		30	Inspect	Operations	
		30	Clean	Vendor	
	Burners Operations	20	Air Slide Insp/Lube		
		20	Air slide & Baffle Insp	Operations	
		30	Burner Tilt Drive Insp	Operations	
		30	ATC Insp/Lube	Operations	
	ID Fans	20	Gas Ignitor Operation	Operations	
		30	Gas Ignitor Operation	Operations	
	ID Fans	30	ID Fan Vane Adjustment	Operations	
		20	ID Fan Vane Adjustment	Operations	
		20	ID Fan Disch Damper Insp	Operations	
		20	ID Fan Inlet Duct Insp	Operations	
		30	ID Fan Inlet Duct Insp	Operations	

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FD Fans	20	FD Fan Air Duct Insp	
Operations			
	30	FD Fan Air Duct Insp	Operations
Regulators	20	Fuel Gas Regulator PM	I&C
	30	Fuel Gas Regulator PM	I&C
	20	Fuel Oil Regulator PM	I&C
	30	Fuel Oil Regulator PM	I&C
Alarms & Trips	20	Atomizing Steam	I&C
	30	Atomizing Steam	I&C
	20	Fuel Pressure	I&C
	30	Fuel Pressure	
I&C			
Controls	20	Steam/Air Flow	
I&C			
	30	Steam/Air Flow	I&C
Control Air	20	PM Air Dryer	Vendor
	30	PM Air Dryer	Vendor
	20	PM Control Air Compressor	Vendor
	30	PM Control Air Compressor	Vendor
Fuel Flow	20	Calibrate & PM	
Vendor			
	30	Calibrate & PM	Vendor
Opacity Monitor Stack		Calibrate & PM	
Vendor			

ARTHUR KILL GENERATING STATION OPACITY PM PROGRAM - GAS OPERATION

Element	Unit	Description	Responsibility
Burners	20	Air Slide & Baffle Insp	Ops/Maint
	30	Burner Inspection	
Ops/Maint	20	Gas Igniter Operation	Ops
	30	Gas Igniter Operation	
Fans	20	FD Vane Inspection	Ops/Maint
	20	ID Vane Inspection	
Ops/Maint	20	ID Vane Inspection	Ops/Maint
	30	FD Vane Inspection	
Ops/Maint	30	ID Vane Inspection	Ops/Maint
	30	ID Vane Inspection	
Regulators	20	Fuel Gas Regulator	I&C/Vendor
	30	Fuel Gas Regulator	
I&C/Vendor	20	Fuel Gas Pressure	I&C
	30	Fuel Gas Pressure	

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I&C		30	Fuel Gas Pressure
I&C	Controls	20	Steam/Air Flow
I&C		30	Steam/Air Flow
I&C	Opacity Monitor	Stack	Calibrate & PM
Vendor			

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 28: Compliance Certification
 Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40CFR 63, Subpart DDDDD

Item 28.1:
 The Compliance Certification activity will be performed for the Facility.

Item 28.2:
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

The facility shall comply with the applicable work practice standards according to Table 3 of Subpart DDDDD.

Monitoring Frequency: DAILY
 Reporting Requirements: ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2019.
 Subsequent reports are due every 12 calendar month(s).

Condition 29: Compliance Certification
 Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40CFR 63.7495(b), Subpart DDDDD

Item 29.1:
 The Compliance Certification activity will be performed for the Facility.

Item 29.2:
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES
 Monitoring Description:

Facilities that are major sources of hazardous air pollutants (HAPs) that have industrial, commercial or institutional boilers must comply with 40 CFR 63 Subpart

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DDDDD by January 31, 2016.

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 4/30/2018.

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

Condition 30: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 40CFR 63, Subpart UUUUU

Item 30.1:

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: A-K0001

Process: RO1

Emission Unit: A-K0001

Process: RO2

Item 30.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility operating an oil-fired EGU as defined in 63.10042 of this Subpart is subject to this Subpart. The facility shall comply with the applicable requirements according to Tables 2 through 9 of Subpart UUUUU.

Definition as per 63.10042 of this Subpart : Oil-fired electric utility steam generating unit means an electric utility steam generating unit meeting the definition of "fossil fuel-fired" that is not a coal-fired electric utility steam generating unit and that burns oil for more than 10.0 percent of the average annual heat input during any 3 consecutive calendar years; or for more than 15.0 percent of the annual heat input during any one calendar year.

Monitoring Frequency: DAILY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 31: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

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Applicable Federal Requirement:40CFR 63.6585, Subpart ZZZZ

Item 31.1:

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 Facility shall comply with the operating requirements, as applicable to each affected source, according to Table 2b and 2c of Subpart ZZZZ

Monitoring Frequency: DAILY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2019.

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

Condition 32: Facility Subject to Title IV Acid Rain Regulations and Permitting

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40 CFR Part 72

Item 32.1: This facility is subject to the Title IV Acid Rain Regulations found in 40 CFR Parts 72, 73, 75, 76, 77 and 78. The Acid Rain Permit is an attachment to this permit.

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

Condition 33: Emission Point Definition By Emission Unit

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 33.1(From Mod 0):

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

Emission Unit: A-K0001

Emission Point: 00002

Height (ft.): 502

Diameter (in.): 232

NYTMN (km.): 4493.677 NYTME (km.): 567.758 Building: BOILERHS

Item 33.2(From Mod 0):

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

Emission Unit: A-K0003

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Emission Point: 00003
 Height (ft.): 42 Diameter (in.): 36
 NYTMN (km.): 4493.785 NYTME (km.): 567.713 Building: BOILERRM

Item 33.3(From Mod 0):

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

Emission Unit: A-K0005

Emission Point: GT001
 Height (ft.): 47 Length (in.): 120 Width (in.): 252
 NYTMN (km.): 4493.699 NYTME (km.): 567.72 Building: GTFAC

Item 33.4(From Mod 0):

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

Emission Unit: A-K0013

Emission Point: EG001
 Height (ft.): 20 Diameter (in.): 8
 NYTMN (km.): 4493.71 NYTME (km.): 567.675 Building: BOILERHS

Emission Point: EG002
 Height (ft.): 14 Diameter (in.): 12
 NYTMN (km.): 4493.697 NYTME (km.): 567.667 Building: BOILERHS

**Condition 34: Process Definition By Emission Unit
 Effective between the dates of 02/12/2018 and 02/11/2023**

Applicable Federal Requirement:6 NYCRR Subpart 201-6

Item 34.1(From Mod 1):

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

Emission Unit: A-K0001
 Process: BC1 Source Classification Code: 3-01-009-99

Process Description:

This process is for the chemical cleaning of the boiler tubes for Boiler 20. The boiler tubes will be cleaned using EDTA method and the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Emission Source/Control: 00020 - Combustion
 Design Capacity: 3,717 million Btu per hour

Item 34.2(From Mod 1):

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

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Emission Unit: A-K0001
 Process: BC2 Source Classification Code: 3-01-009-99
 Process Description:

This process is for the chemical cleaning of the boiler tubes for Boiler 30. The boiler tubes will be cleaned using EDTA method and the nonhazardous solution subsequently incinerated in one of the boilers. This process is considered ordinary maintenance of the boiler and is a trivial activity under 6NYCRR 201-3.3(c)(45) - Maintenance and Construction activities. No reporting is required for this process. However, the facility will maintain records of boiler chemical cleaning activities.

Emission Source/Control: 00020 - Combustion
 Design Capacity: 3,717 million Btu per hour

Emission Source/Control: 00030 - Combustion
 Design Capacity: 5,502 million Btu per hour

Item 34.3(From Mod 1):

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

Emission Unit: A-K0001
 Process: NG1 Source Classification Code: 1-01-006-01
 Process Description:

This process includes one face fired boiler (Boiler 20). This boiler is rated at 3717 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Emission Source/Control: 00020 - Combustion
 Design Capacity: 3,717 million Btu per hour

Item 34.4(From Mod 1):

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

Emission Unit: A-K0001
 Process: NG2 Source Classification Code: 1-01-006-04
 Process Description:

This process includes one tangentially fired boiler (Boiler 30). This boiler is rated at 5502 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Emission Source/Control: 00030 - Combustion
 Design Capacity: 5,502 million Btu per hour

Item 34.5(From Mod 1):

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

Emission Unit: A-K0001
 Process: RO1 Source Classification Code: 1-01-004-01

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Process Description:

This process includes one face fired boiler (Boiler 20).
This boiler is rated at 3717 MMBtu/hr. This process covers the combustion of residual oil in this boiler.

Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

Item 34.6(From Mod 1):

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

Emission Unit: A-K0001

Process: RO2

Source Classification Code: 1-01-004-04

Process Description:

This process includes one tangentially fired boiler (Boiler 30). This boiler is rated at 5502 MMBtu/hr. This process covers the combustion of residual oil in this boiler.

Emission Source/Control: 00020 - Combustion

Design Capacity: 3,717 million Btu per hour

Emission Source/Control: 00030 - Combustion

Design Capacity: 5,502 million Btu per hour

Item 34.7(From Mod 1):

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

Emission Unit: A-K0003

Process: NG3

Source Classification Code: 1-01-006-02

Process Description:

This process includes one House Boiler rated at 65 MMBtu/hr. This process covers the combustion of natural gas in this boiler.

Emission Source/Control: 00040 - Combustion

Design Capacity: 65 million Btu per hour

Emission Source/Control: FG040 - Control

Control Type: FLUE GAS RECIRCULATION

Item 34.8(From Mod 1):

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

Emission Unit: A-K0005

Process: GTD

Source Classification Code: 2-01-001-01

Process Description:

This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of distillate fuel oil.

Emission Source/Control: GT001 - Combustion

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Design Capacity: 235 million Btu per hour

Item 34.9(From Mod 1):

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

Emission Unit: A-K0005
 Process: GTN Source Classification Code: 2-01-002-01
 Process Description:
 This process includes one combustion turbine rated at 235 MMBtu/hr. This process covers combustion of natural gas.

Emission Source/Control: GT001 - Combustion
 Design Capacity: 235 million Btu per hour

Item 34.10(From Mod 1):

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

Emission Unit: A-K0013
 Process: EMG Source Classification Code: 2-01-001-02
 Process Description:
 This process includes firing distillate oil in the two emergency generators. Each generator is tested once per week for approximately one hour. The generators will be operated less than 500 hours per year.

Emission Source/Control: 00AK2 - Combustion
 Design Capacity: 402 horsepower (electric)

Emission Source/Control: 00AK3 - Combustion
 Design Capacity: 805 horsepower (electric)

Condition 1-8: Compliance Certification
Effective between the dates of 10/20/2022 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 227-2.4 (a) (1)

Item 1-8.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

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

Item 1-8.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition applies to natural gas/oil fired very large boilers. The owner or operator shall install, calibrate, maintain, and operate a CEMS for the monitoring

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

of NOx in accordance with the requirements of this subpart.

Compliance with the emission limit will be based on a 24-hour heat input weighted average from May 1st through September 30th. Compliance with the emission limit will be based on a 30-day rolling heat input weighted average from October 1st through April 30th.

Owners or operators required to use 40 CFR Part 75 monitoring reference methods are required to do so. Any other owners or operators may use either 40 CFR Part 60 or 40 CFR Part 75 monitoring reference methods.

The owner or operator will maintain records on-site for a minimum of five years.

Manufacturer Name/Model Number: NOx Analyzer
 Parameter Monitored: OXIDES OF NITROGEN
 Upper Permit Limit: 0.15 pounds per million Btus
 Reference Test Method: See monitoring description
 Monitoring Frequency: CONTINUOUS
 Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION
 Reporting Requirements: QUARTERLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 1/30/2023.
 Subsequent reports are due every 3 calendar month(s).

Condition 36: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 249.3 (a)

Item 36.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

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

Item 36.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze program for Boiler # 30. The facility's annual emissions of Particulates are being limited to a maximum of 359 tons per year.

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Facility DEC ID: 2640300014

The emissions from this Unit will be calculated by multiplying the fuel usage with the AP-42 emission factor for Natural Gas combustion.

An approved maintenance plan will be provided by the owner to ensure efficient operation of this Unit and to minimize PM emissions and opacity.

The owner or operator will maintain records on-site for a minimum of five years. These records must be made available to NYSDEC upon request.

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.

Reference Test Method: AP-42
Monitoring Frequency: SEMI-ANNUALLY
Averaging Method: ANNUAL TOTAL ROLLED DAILY
Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

Condition 37: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 249.3 (a)

Item 37.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Regulated Contaminant(s):
CAS No: 007446-09-5 SULFUR DIOXIDE

Item 37.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze program. This Emission Unit consists of Natural gas/oil fired very large boilers. Boiler # 30 will combust Natural Gas only, and no oil.

Continued use of Natural Gas firing will ensure that the

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Facility DEC ID: 2640300014

SO2 emission rate from Boiler # 30 will remain below the EPA's presumptive limit of 0.15 pound per million Btu for BART. Compliance with this limit will be demonstrated through the continued reporting of fuel use records under 40 CFR Part 75 Appendix D.

The owner or operator will maintain records on-site for a minimum of five years.

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.

Reference Test Method: 40 CFR 75
 Monitoring Frequency: SEMI-ANNUALLY
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 7/30/2018.
 Subsequent reports are due every 6 calendar month(s).

Condition 38: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 249.3 (a)

Item 38.1:
 The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Item 38.2:
 Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The facility will monitor the consumption of fuel and maintain on a daily basis records of amounts of the fuel used for the purpose of calculating the particulates emissions.

The facility will maintain records on-site for a minimum of five years. These records must be made available to NYSDEC upon request.

Monitoring Frequency: DAILY
 Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
 Reports due 30 days after the reporting period.
 The initial report is due 7/30/2018.
 Subsequent reports are due every 6 calendar month(s).

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Condition 39: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 249.3 (a)

Item 39.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Regulated Contaminant(s):

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

Item 39.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

This condition is necessary to ensure compliance with the BART requirements under EPA's Regional Haze program. This Emission Unit consists of Natural gas/oil fired very large boilers. The owner or operator shall install, calibrate, maintain, and operate a CEMS for the monitoring of NOx in accordance with the requirements of this subpart. Boiler # 30 will combust Natural Gas only, and no oil.

Compliance with the emission limit will be based on a 24-hour heat input weighted average from May 1st through September 30th. Compliance with the emission limit will be based on a 30-day rolling heat input weighted average from October 1st through April 30th.

The owner or operator will maintain records on-site for a minimum of five years.

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.

Manufacturer Name/Model Number: NOx Analyzer

Upper Permit Limit: 0.15 pounds per million Btus

Reference Test Method: EPA Approved

Monitoring Frequency: CONTINUOUS

Averaging Method: AVERAGING METHOD - SEE MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

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

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Condition 40: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 249.3 (d)

Item 40.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Item 40.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Control Equipment or other emission reduction methods approved by the Department as BART must be installed and operating no later than January 1, 2014.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 41: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 249.3 (f)

Item 41.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0001

Item 41.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The permit conditions (including monitoring and reporting) in this permit for NO_x, SO₂, and/or PM₁₀ established under Part 249 are based on New York's Best Available Retrofit Technology (BART) Rule (6 NYCRR Part 249), are effective on the date of this permit's issuance, and are state-enforceable. Federal enforceability of these facility-specific requirements is effective on the date on which these emission limits, as submitted to EPA as a revision to New York State's Implementation Plan for Regional Haze, are published in the Federal Register.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Condition 1-9: Compliance Certification
Effective between the dates of 10/20/2022 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 227-2.4 (c) (1)

Item 1-9.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0003

Regulated Contaminant(s):

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

Item 1-9.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to natural gas only firing mid-size boilers. The owner or operator shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing.

The owner or operator will maintain records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.05 pounds per million Btus

Reference Test Method: 40 CFR 60 Appendix A - Method 7, 7E, or 19

Monitoring Frequency: Once every five years

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2023.

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

Condition 43: Compliance Certification
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:6 NYCRR 227-2.6 (c)

Item 43.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0003

Regulated Contaminant(s):

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

Item 43.2:

Compliance Certification shall include the following monitoring:

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner/operator of the mid-size boiler must perform a stack test to determine the emission of oxides of nitrogen from the boiler. All stack test procedures must comply with the provisions of 6NYCRR 227-2.6(c).

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Condition 44: Recordkeeping and reporting.

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable Federal Requirement:40CFR 60.48c, NSPS Subpart Dc

Item 44.1:

This Condition applies to Emission Unit: A-K0003

Item 44.2:

The facility shall maintain reports and records in accordance with the provisions of this section 40 CFR 60-Dc.48c.

Condition 1-10: Compliance Certification

Effective between the dates of 10/20/2022 and 02/11/2023

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

Item 1-10.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Item 1-10.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Whenever oil is fired in the Combustion Turbine, the stack opacity shall not exceed 20 percent (six minute average), except for one six-minute period per hour of not more than 27 percent opacity. Compliance with this standard shall be determined with EPA Reference Method 9. For the turbine, the following shall be performed:

1) Observe the stack for the turbine (Emission Point 00005) when operating on oil once per day for visible emissions. This observation(s) must be conducted during daylight hours except during adverse weather conditions

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Facility DEC ID: 2640300014

(fog, rain, or snow).

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

- weather condition
- was a plume observed?

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) two consecutive days firing oil, then a Method 9 analysis (based upon a 6-minute average) of the affected emission point 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: DAILY

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

Condition 1-11: Compliance Certification
Effective between the dates of 10/20/2022 and 02/11/2023

Applicable Federal Requirement: 6 NYCRR 227-2.4 (e) (1)

Item 1-11.1:

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

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

Item 1-11.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

This condition applies to distillate oil or multiple fuel fired simple cycle combustion turbines. The owner or operator shall submit a testing protocol to the Department for approval a minimum of 90 days prior to any stack testing.

Compliance with the emission limit will be based on a 1-hour average from May 1st through September 30th. Compliance with the emission limit will be based on a 30-day rolling heat input weighted average from October 1st through April 30th.

The owner or operator will maintain records on-site for a minimum of five years.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 100 parts per million by volume
(dry, corrected to 15% O₂)

Reference Test Method: 40 CFR 60 Appendix A - Method 20

Monitoring Frequency: Once every five years

Averaging Method: AVERAGING METHOD - SEE MONITORING
DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2023.

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

Condition 46: Compliance Certification**Effective between the dates of 02/12/2018 and 02/11/2023****Applicable Federal Requirement: 6 NYCRR 227-2.6 (c)****Item 46.1:**

The Compliance Certification activity will be performed for:

Emission Unit: A-K0005

Regulated Contaminant(s):

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

Item 46.2:

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

The owner/operator of the Combustion Turbine must perform a stack test to determine the emission of oxides of nitrogen from the turbine. All stack test procedures must comply with the provisions of 6NYCRR 227-2.6(c).

Monitoring Frequency: ONCE DURING THE TERM OF THE PERMIT

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014

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

Permit ID: 2-6403-00014/00031

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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 48: Contaminant List

Effective between the dates of 02/12/2018 and 02/11/2023

Applicable State Requirement: ECL 19-0301

Item 48.1:

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

CAS No: 000124-38-9
Name: CARBON DIOXIDE

CAS No: 007446-09-5
Name: SULFUR DIOXIDE

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

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

Condition 1-12: Malfunctions and Start-up/Shutdown Activities

Effective between the dates of 10/20/2022 and 02/11/2023

Applicable State Requirement: 6 NYCRR 201-1.4

Item 1-12.1:

Permit ID: 2-6403-00014/00031

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(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 1-13: CLCPA Applicability
Effective between the dates of 10/20/2022 and 02/11/2023

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

Item 1-13.1:

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

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Condition 26: Air pollution prohibited
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable State Requirement:6 NYCRR 211.1

Item 26.1:

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.

Condition 51: CO2 Budget Trading Program - Excess emission requirements
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable State Requirement:6 NYCRR 242-1.5

Item 51.1:

The owners and operators of a CO2 budget source that has excess emissions in any control period shall:

- (1) forfeit the CO2 allowances required for deduction under 6 NYCRR Part 242-6.5(d)(1), provided CO2 offset allowances may not be used to cover any part of such excess emissions; and
- (2) pay any fine, penalty, or assessment or comply with any other remedy imposed under 6 NYCRR Part 242-6.5(d)(2).

Condition 52: Compliance Demonstration
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable State Requirement:6 NYCRR 242-1.5

Item 52.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 52.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators and, to the extent applicable, the CO2 authorized account representative of each CO2 budget source and each CO2 budget unit at the source shall comply with the monitoring requirements of Subpart 242-8. The emissions measurements recorded and reported in accordance with Subpart 242-8 of this Part shall be used to determine compliance by the unit with the following CO2 requirements:

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(1) The owners and operators of each CO₂ budget source and each CO₂ budget unit at the source shall hold CO₂ allowances available for compliance deductions under Section 242-6.5, as of the CO₂ allowance transfer deadline, in the source's compliance account in an amount not less than the total CO₂ emissions for the control period from all CO₂ budget units at the source, as determined in accordance with Subparts 242-6 and 242-8.

(2) Each ton of CO₂ emitted in excess of the CO₂ budget emissions limitation shall constitute a separate violation of this Part and applicable state law.

(3) A CO₂ budget unit shall be subject to the requirements specified in item 1 starting on the later, of January 1, 2009 or the date on which the unit commences operation.

(4) CO₂ allowances shall be held in, deducted from, or transferred among CO₂ Allowance Tracking System accounts in accordance with Subparts 242-5, 242-6, and 242-7, and Section 242-10.7.

(5) A CO₂ allowance shall not be deducted, in order to comply with the requirements specified in item 1, for a control period that ends prior to the allocation year for which the CO₂ allowance was allocated. A CO₂ offset allowance shall not be deducted, in order to comply with the requirements under item 1, beyond the applicable percent limitations set out in 6NYCRR Part 242-6.5(a)(3).

(6) A CO₂ allowance under the CO₂ Budget Trading Program is a limited authorization by the Department or a participating state to emit one ton of CO₂ in accordance with the CO₂ Budget Trading Program. No provision of the CO₂ Budget Trading Program, the CO₂ budget permit application, or the CO₂ budget permit or any provision of law shall be construed to limit the authority of the Department or a participating state to terminate or limit such authorization.

(7) A CO₂ allowance under the CO₂ Budget Trading Program does not constitute a property right.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2018.

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

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Condition 53: Compliance Demonstration
Effective between the dates of 02/12/2018 and 02/11/2023

Applicable State Requirement: 6 NYCRR 242-1.5

Item 53.1:

The Compliance Demonstration activity will be performed for the Facility.

Item 53.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owners and operators of the CO₂ budget source and each CO₂ budget unit at the source shall keep on site at the source each of the following documents for a period of 10 years from the date the document is created. This period may be extended for cause, at any time prior to the end of 10 years, in writing by the department.

(i) The account certificate of representation for the CO₂ authorized account representative for the source and each CO₂ budget unit at the source and all documents that demonstrate the truth of the statements in the account certificate of representation, in accordance with 6 NYCRR Part 242-2.4, provided that the certificate and documents shall be retained on site at the source beyond such 10-year period until such documents are superseded because of the submission of a new account certificate of representation.

(ii) All emissions monitoring information, in accordance with Subpart 242-8 and 40 CFR 75.57.

(iii) Copies of all reports, compliance certifications, and other submissions and all records made or required under the CO₂ Budget Trading Program.

(iv) Copies of all documents used to complete a CO₂ budget permit application and any other submission under the CO₂ Budget Trading Program or to demonstrate compliance with the requirements of the CO₂ Budget Trading Program.

The CO₂ authorized account representative of a CO₂ budget source and each CO₂ budget unit at the source shall submit the reports and compliance certifications required under the CO₂ Budget Trading Program, including those under Subpart 242-4.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

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Reporting Requirements: SEMI-ANNUALLY (CALENDAR)
Reports due 30 days after the reporting period.
The initial report is due 7/30/2018.
Subsequent reports are due every 6 calendar month(s).

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

Condition 1-14: Compliance Demonstration
Effective between the dates of 10/20/2022 and 02/11/2023

Applicable State Requirement: 6 NYCRR 251.3 (b)

Item 1-14.1:

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

Emission Unit: A-K0001

Emission Unit: Z-K0005

Regulated Contaminant(s):
CAS No: 000124-38-9 CARBON DIOXIDE

Item 1-14.2:

Compliance Demonstration shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

On or after December 31, 2020, owners or operators of non-modified existing sources shall not fire any single fossil fuel, alone or in combination with any other fuel, where each fossil fuel is required to meet an emission rate of 180 pounds of CO₂ per million Btu of input (input-based limit). These emission limits are measured on an annual basis, calculated by dividing the annual total of CO₂ emissions for the calendar year by the annual total Btus (input-based limit) fired for each separate fossil fuel fired. The owner or operator must maintain all records associated with these requirements on site or at a location acceptable to the Department for a minimum of five years.

Manufacturer Name/Model Number: CO₂ Continuous Monitor

Parameter Monitored: CARBON DIOXIDE

Upper Permit Limit: 180 pounds per million Btus

Monitoring Frequency: CONTINUOUS

Averaging Method: CALENDAR YEAR AVERAGE

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2023.

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

Permit ID: 2-6403-00014/00031

Facility DEC ID: 2640300014