

Facility DEC ID: 3334600011

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

**IDENTIFICATION INFORMATION**

Permit Type: Air Title V Facility  
Permit ID: 3-3346-00011/00017  
Effective Date: 04/09/2020 Expiration Date: 04/08/2025

Permit Issued To: DANKAMMER ENERGY LLC  
994 RIVER RD  
NEWBURGH, NY 12550

Contact: ED HALL  
994 RIVER RD  
NEWBURGH, NY 12550  
(845) 563-9110

Facility: DANKAMMER GENERATING STATION  
994 RIVER RD  
NEWBURGH, NY 12550

Contact: ED HALL  
994 RIVER RD  
NEWBURGH, NY 12550  
(845) 563-9110

Description:  
Air Title V Permit Renewal.

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: MICHAEL T HIGGINS  
NYSDEC - HEADQUARTERS  
625 BROADWAY  
ALBANY, NY 12233-1750

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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- 4 3 Applications for permit renewals, modifications and transfers
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**Facility Level**

- 5 5 Submission of application for permit modification or renewal-REGION 3 HEADQUARTERS

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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 submitted prior to actual transfer of ownership.

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

**Item 4.1:**

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

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

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

**Condition 5: Submission of application for permit modification or renewal-REGION 3 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 3 Headquarters  
Division of Environmental Permits  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
(845) 256-3054

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

ARTICLE 19: AIR POLLUTION CONTROL - TITLE V PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: DANKAMMER ENERGY LLC  
994 RIVER RD  
NEWBURGH, NY 12550

Facility: DANKAMMER GENERATING STATION  
994 RIVER RD  
NEWBURGH, NY 12550

Authorized Activity By Standard Industrial Classification Code:  
4911 - ELECTRIC SERVICES

Permit Effective Date: 04/09/2020

Permit Expiration Date: 04/08/2025

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**FEDERALLY ENFORCEABLE CONDITIONS**

Renewal 3/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 reissuance, or termination, or of a notification of

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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 facility for any violation of applicable requirements prior to or at the time of permit issuance;

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

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**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 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 6 NYCRR 200.6**

**Item 1.1:**

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

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**Condition 2: Fees**

**Effective between the dates of 04/09/2020 and 04/08/2025**

**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 04/09/2020 and 04/08/2025**

**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 04/09/2020 and 04/08/2025**

**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 reports required by the permit.

**Condition 5: Compliance Certification**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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**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, the report shall be contained in the 6 month monitoring report required above.
- (4) This permit may contain a more stringent reporting

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

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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 7/30/2020.

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

**Condition 6: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 6.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 6.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

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



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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  
 NYSDEC  
 21 South Putt Corners Road  
 New Paltz, NY 12561-1696

The address for the BQA is as follows:

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

Monitoring Frequency: ANNUALLY  
 Reporting Requirements: ANNUALLY (CALENDAR)

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Reports due 30 days after the reporting period.  
 The initial report is due 1/30/2021.  
 Subsequent reports are due on the same day each year

**Condition 7: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**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. Statements are to be mailed to: New York State Department of Environmental Conservation, Division of Air Resources, Bureau of Air Quality Planning, 625 Broadway, Albany NY 12233-3251

Monitoring Frequency: ANNUALLY  
 Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due by April 15th for previous calendar year

**Condition 8: Recordkeeping requirements**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

- Item 8.1:**
- (a) The following records shall be maintained for at least five years:
    - (1) a copy of each emission statement submitted to the department; and
    - (2) records indicating how the information submitted in the emission statement was determined, including any calculations, data, measurements, and estimates used.
  - (b) These records shall be made available at the facility to the representatives of the department upon request during normal business hours.

**Condition 9: Open Fires - Prohibitions**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**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.

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**Item 9.2**

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

- (a) On-site burning in any town with a total population less than 20,000 of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. For the purposes of this subdivision, the total population of a town shall include the population of any village or portion thereof located within the town. However, this subdivision shall not be construed to allow burning within any village.
- (b) Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- (c) Small fires used for cooking and camp fires provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished.
- (d) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (e) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (f) Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- (g) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (h) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (i) Prescribed burns performed according to Part 194 of this Title.
- (j) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (k) Individual open fires as approved by the Director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- (l) Individual open fires that are otherwise authorized under the environmental conservation law, or by rule or regulation of the Department.

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

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

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be specified as "not applicable".]

**Condition 10: Maintenance of Equipment**  
Effective between the dates of 04/09/2020 and 04/08/2025

**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 04/09/2020 and 04/08/2025

**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 04/09/2020 and 04/08/2025

**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 04/09/2020 and 04/08/2025

**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 04/09/2020 and 04/08/2025

**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

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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 04/09/2020 and 04/08/2025**

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

**Item 15.1:**

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

**Condition 16: Right to Inspect**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**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 17: Off Permit Changes**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 17.1:**

No permit revision will be required for operating changes that contravene an express permit

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term, provided that such changes would not violate applicable requirements as defined under this Part or contravene federally enforceable monitoring (including test methods), recordkeeping, reporting, or compliance certification permit terms and conditions. Such changes may be made without requiring a permit revision, if the changes are not modifications under any provision of title I of the act and the changes do not exceed the emissions allowable under the permit (whether expressed therein as a rate of emissions or in terms of total emissions) provided that the facility provides the administrator and the department with written notification as required below in advance of the proposed changes within a minimum of seven days. The facility owner or operator, and the department shall attach each such notice to their copy of the relevant permit.

(i) For each such change, the written notification required above shall include a brief description of the change within the permitted facility, the date on which the change will occur, any change in emissions, and any permit term or condition that is no longer applicable as a result of the change.

(ii) The permit shield described in section 6 NYCRR 201-6.4 shall not apply to any change made pursuant to this paragraph.

**Condition 18: Required Emissions Tests**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**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 04/09/2020 and 04/08/2025**

**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:

- 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:

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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 04/09/2020 and 04/08/2025

**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 04/09/2020 and 04/08/2025

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

**Item 21.1:**

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

Emission Unit: U-D0001

Emission Unit Description:

Danskammer Unit 1 is a 65 MW, tangentially-fired steam generating boiler capable of firing No. 6 fuel oil, biodiesel, and natural gas. The boiler has a maximum heat rating of 900 mmBtu/hr. This unit employs low excess air and combustion air manipulation as its NO<sub>x</sub> emissions control technique.

Building(s): D1

**Item 21.2:**

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

Emission Unit: U-D0002

Emission Unit Description:

Danskammer Unit 2 is a 65 MW, tangentially-fired steam generating boiler capable of firing No. 6 fuel oil, biodiesel, and natural gas. The boiler has a maximum heat rating of 900 mmBtu/hr. This unit employs low excess air and combustion air manipulation as its NO<sub>x</sub> emissions control technique.

Building(s): D2

**Item 21.3:**

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

Permit ID: 3-3346-00011/00017

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Emission Unit: U-D0003

Emission Unit Description:

Danskammer Unit 3 is a 135 MW, dry-bottom, tangentially fired steam generating boiler capable of firing natural gas and torrefied wood. The boiler has a maximum heat input rating of 1,167 mmBtu/hr when firing natural gas. The unit employs separated over-fire air, burners-out-of-service, and low NOx burners as its NOx emissions control technique.

Building(s): D3/D4

**Item 21.4:**

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

Emission Unit: U-D0004

Emission Unit Description:

Danskammer Unit 4 is a 235 MW, dry-bottom, tangentially-fired steam generating boiler capable of firing natural gas. The boiler has a maximum heat input rating of 2,397 mmBtu/hr when firing natural gas. The unit employs separated over-fire air, burners-out-of-service, and low NOx burners as its NOx emissions control technique.

Building(s): D3/D4

**Condition 22: Progress Reports Due Semiannually**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**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 23: Visible Emissions Limited**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement:6 NYCRR 211.2****Item 23.1:**

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



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**Condition 24: Compliance Certification**

Effective between the dates of 04/09/2020 and 04/08/2025

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

**Item 24.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 24.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Owners and/or operators of any stationary combustion installation that fires residual oil with a total heat input greater than 250 million Btu per hour\* are limited to the purchase of residual oil with a sulfur content of 0.50% sulfur on or after July 1, 2014 and to the firing of residual oil with a sulfur content of 0.50% on or after July 1, 2016.

\* Please note that if two or more emission sources are exhausted through a common emission point, the total heat input for such an emission point is either the sum of the maximum operating heat inputs of all emission sources which are operated simultaneously and exhausted through the common emission point, or the maximum operating heat input of any individual emission source operated independently and connected to the common emission point, whichever is greater.

The facility must maintain any records on-site for a minimum of five years.

Manufacturer Name/Model Number: SO2 CEM

Parameter Monitored: SULFUR DIOXIDE

Upper Permit Limit: 0.50 percent by weight

Monitoring Frequency: CONTINUOUS

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

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2020.

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

**Condition 25: Compliance Certification**

Effective between the dates of 04/09/2020 and 04/08/2025

**Applicable Federal Requirement: 6 NYCRR 227-1.2 (a) (1)**

**Item 25.1:**

The Compliance Certification activity will be performed for the facility:

Permit ID: 3-3346-00011/00017

Facility DEC ID: 3334600011

The Compliance Certification applies to:

Emission Unit: U-D0001

Emission Unit: U-D0002

Regulated Contaminant(s):

CAS No: 0NY075-00-0 PARTICULATES

**Item 25.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The facility shall not cause or allow particulate emissions into the outdoor atmosphere in excess of 0.10 lb/mmBtu heat input from any stationary combustion installation with a maximum heat input capacity exceeding 250 mmBtu/hr using oil. The facility shall perform emission testing on Unit 1 or 2 if requested by the Department.

Upper Permit Limit: 0.10 pounds per million Btus

Reference Test Method: Method 5

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 26: Compliance Certification**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 26.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 26.2:**

Compliance Certification shall include the following monitoring:

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

Monitoring Description:

The facility owner and/or operator of a combustion installation shall not emit greater than 20 percent opacity except for one six minute period per hour, not to exceed 27 percent, based upon the six minute average utilizing a continuous opacity monitor (COM).

Manufacturer Name/Model Number: CEM

Parameter Monitored: OPACITY

Upper Permit Limit: 20 percent

Reference Test Method: EPA Approved

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Monitoring Frequency: CONTINUOUS  
Averaging Method: 6 MINUTE AVERAGE  
Reporting Requirements: QUARTERLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 7/30/2020.  
Subsequent reports are due every 3 calendar month(s).

**Condition 27: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 27.1:**

The Compliance Certification activity will be performed for the Facility.

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

**Item 27.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of Units 1, 2, 3, and 4 shall submit an accurate excess opacity emissions and continuous opacity monitoring system (COMS) report to the Department for each calendar year quarter. All reports shall be certified by a responsible corporate official as true, accurate and complete and postmarked by the 60th day following the end of each calendar quarter. The quarterly excess emissions report shall be submitted in a form acceptable to the Department and shall include the following minimum information:

- (1) The magnitude, date and time of each six minute block average during which the average opacity of emissions exceeds 20 percent, except for one six minute block average per hour not exceed 27 percent;
- (2) For each period of excess emission, specific identification of the cause and corrective action taken;
- (3) Identification of all periods of COMS downtime, including the date, time and duration of each inoperable period, and the cause and corrective action for each COMS downtime period;
- (4) The total time in which the COMS are required to record data during the reporting period;
- (5) The total number of exceedances and the duration of exceedances expressed as a percentage of the total time in

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which the COMS are required to record data; and

(6) Such other things as the Department may deem necessary, proper or desirable in order to enforce Article 19 of the Environmental Conservation Law or the rules promulgated thereunder.

Item (6) includes the Opacity Incident Report (OIR) which shall be prepared for each excess opacity event. Each OIR shall include a description of the sequence of events, an explanation of the cause of the event, a description of the corrective actions taken and any appropriate preventive measures.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 28: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 28.1:**

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

Emission Unit: U-D0004

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

**Item 28.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility owner/operator of this emission source has committed to the exclusive use of natural gas fuel when operating Unit 4. The emission limit of 0.12 lb/mmBtu will not be exceeded and will be calculated by using a 30-day average during the non-ozone season.

Manufacturer Name/Model Number: CEM  
 Upper Permit Limit: 0.12 pounds per million Btus  
 Reference Test Method: EPA Approved CEM  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 30-DAY AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2020.  
 Subsequent reports are due every 3 calendar month(s).

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**Condition 29: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 29.1:**

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

Emission Unit: U-D0004                      Emission Point: 00004

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

**Item 29.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

The facility owner/operator of this emission source has committed to the exclusive use of natural gas fuel when operating Unit 4. The emission limit of 0.12 lb/mmBtu will not be exceeded and will be calculated by using a 24-hour average during the ozone season.

Manufacturer Name/Model Number: CEM  
 Upper Permit Limit: 0.12 pounds per million Btus  
 Reference Test Method: EPA Approved CEM  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 24-HOUR AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2020.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 30: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 30.1:**

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

Emission Unit: U-D0001                      Emission Point: 00001

Emission Unit: U-D0002                      Emission Point: 00002

Regulated Contaminant(s):

Permit ID: 3-3346-00011/00017

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

**Item 30.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility will comply with the NOx RACT requirements by using the fuel switching option for Units 1 and 2 as follows:

(a) Each unit will fire only natural gas during the ozone season (May 1st - September 30th), except that the boilers may fire fuel oil alone or in combination with natural gas during periods when the natural gas supply is insufficient to meet the electrical output load levels or ramp rates required by the NYISO dispatch for the Unit. Consistent with good engineering and operating practices, Danskammer will achieve the maximum load or ramp rate possible using natural gas alone before firing No. 6 fuel oil to satisfy dispatch load or ramp rate requirements during the ozone season.

(b) The emission units will not exceed an emission limit of 0.15 lb/mmBtu during each ozone season.

(c) The permittee will maintain records of all periods during the ozone season when Emission Unit 1 and Emission Unit 2 operate on fuel oil, including the reason for the fuel oil operation and the amount of fuel oil combusted.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL OIL

Manufacturer Name/Model Number: CEM

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.15 pounds per million Btus

Reference Test Method: EPA Approved CEM

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Averaging Method: CALENDAR YEAR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2020.

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

**Condition 31: Compliance Certification**

Effective between the dates of 04/09/2020 and 04/08/2025

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

**Item 31.1:**

The Compliance Certification activity will be performed for the facility:

Permit ID: 3-3346-00011/00017

Facility DEC ID: 3334600011

The Compliance Certification applies to:

Emission Unit: U-D0003                      Emission Point: 00003

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

**Item 31.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

The facility owner/operator of this emission source has committed to the exclusive use of natural gas fuel. The emission limit will not exceed 0.12 lbs/mmBtu.

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: FUEL OIL

Manufacturer Name/Model Number: CEM

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 0.12 pounds per million Btus

Reference Test Method: EPA Approved CEM

Monitoring Frequency: CONTINUOUS

Averaging Method: CALENDAR YEAR AVERAGE

Reporting Requirements: SEMI-ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2020.

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

**Condition 32: Compliance Certification**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 32.1:**

The Compliance Certification activity will be performed for the facility:

The Compliance Certification applies to:

Emission Unit: U-D0004

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

**Item 32.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

NOx emissions from Unit 4 are limited to 0.12 lb/mmBtu with a 30 day averaging period during the non-ozone season in order to satisfy the facility's BART requirements.

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Facility DEC ID: 3334600011

Manufacturer Name/Model Number: CEM  
 Upper Permit Limit: 0.12 pounds per million Btus  
 Reference Test Method: EPA Approved  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 30-DAY AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2020.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 33: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 33.1:**

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

Emission Unit: U-D0004

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

**Item 33.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

NOx emissions from Unit 4 are limited to 0.12 lb/mmBtu with a 24-hour averaging period during the ozone season in order to satisfy the facility's BART requirements.

Manufacturer Name/Model Number: CEM  
 Upper Permit Limit: 0.12 pounds per million Btus  
 Reference Test Method: EPA Approved  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 24-HOUR AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2020.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 34: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 34.1:**

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

Emission Unit: U-D0004                      Emission Point: 00004



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

**Item 34.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: CONTINUOUS EMISSION MONITORING (CEM)

Monitoring Description:

Emission Unit 4 will not exceed an SO2 emission limit of 0.09 lb/mmBtu.

Manufacturer Name/Model Number: CEM  
 Upper Permit Limit: 0.09 pounds per million Btus  
 Reference Test Method: EPA Approved  
 Monitoring Frequency: CONTINUOUS  
 Averaging Method: 24-HOUR AVERAGE  
 Reporting Requirements: QUARTERLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 7/30/2020.  
 Subsequent reports are due every 3 calendar month(s).

**Condition 35: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 35.1:**

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

Emission Unit: U-D0004      Emission Point: 00004

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

**Item 35.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: INTERMITTENT EMISSION TESTING

Monitoring Description:

The emission unit will not exceed an emission limit of 0.06 lb/mmBtu.

The owner/operator of the stationary source to which BART requirements apply must perform an emissions test according to a protocol approved by the Department. This protocol must be submitted within six months of the commencement of operation.

Testing methods for particulate matter must quantify the emissions of PM10 and particulate matter less than or equal to 2.5 microns in diameter (PM 2.5). Both filterable

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and condensable particulate matter must be included.

Manufacturer Name/Model Number: CEM

Upper Permit Limit: 0.06 pounds per million Btus

Reference Test Method: Method 5, Methods 201/201A/202

Monitoring Frequency: SINGLE OCCURRENCE

Averaging Method: 1-HOUR AVERAGE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 36: Compliance Certification**

**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 40CFR 63, Subpart UUUUU**

**Item 36.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 36.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The boilers are subject to the requirements of 40 CFR 63 Subpart UUUUU, commonly referred to as MATS (Mercury and Toxics Standards) and the Utility MACT (Maximum Available Control Technologies). They are not subject to subpart UUUUU if they do not fire oil for more than 10.0 percent of the average annual heat input during any 3 calendar years or for more than 15.0 percent of the annual heat input during any calendar year, per 60 CFR 63.9983(c).

1) Monitoring Description:

If oil is fired for more than 15.0 percent of the average annual heat input during any calendar year or more than 10.0 percent of the average annual heat input during any 3 calendar years then the unit must comply with the requirements of 40 CFR 63 Subpart UUUUU, the National Emission Standards for Hazardous Air Pollutants: Coal and Oil-Fired Electric Utility Steam Generating Units on the date the unit meets the definition of an EGU subject to this subpart [63.9983(c), 63.8894(d)].

2) Monitoring:

- a. Track the annual heat input from oil and natural gas.
- b. Calculate the average annual heat input for each calendar year.
- c. Calculate the percent of the annual heat input that is from oil.

3) Record:

- a. The annual heat input from oil and natural gas.

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- b. The average annual heat input for each calendar year.
- c. The percent of the annual heat input that is from oil.
- 4) On an annual basis report:
  - a) The annual heat input from oil and natural gas.
  - b. The average annual heat input for each calendar year.
  - c. The percent of the annual heat input that is from oil.

Monitoring Frequency: CONTINUOUS  
Averaging Method: CALENDAR YEAR AVERAGE  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2021.  
Subsequent reports are due every 12 calendar month(s).

**Condition 37: Applicability**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 40CFR 63, Subpart ZZZZ**

**Item 37.1:**  
Facilities that have reciprocating internal combustion engines must comply with applicable portions of 40 CFR 63 subpart ZZZZ.

**Condition 38: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 40CFR 72.9, Subpart A**

**Item 38.1:**  
The Compliance Certification activity will be performed for the Facility.

**Item 38.2:**  
Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES  
Monitoring Description:

The owners and operators of Units 1, 2, 3, and 4 shall have an Acid Rain Permit and shall operate these units in compliance with the Acid Rain Permit. The Acid Rain Permit shall be attached to and part of the Title V permit. For Units 1, 2, 3, and 4, the facility must comply with the Acid Rain emission limitations or reduction requirements for SO<sub>2</sub> and NO<sub>x</sub> and with the monitoring requirements of 40 CFR 75.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION  
Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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**Condition 39: Compliance Certification**

Effective between the dates of 04/09/2020 and 04/08/2025

**Applicable Federal Requirement:40CFR 75.13(a), Subpart B**

**Item 39.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 39.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator shall meet the general operating requirements in 40 CFR 75-B.10 for a CO2 continuous emission monitoring system and flow monitoring system for each affected unit. The owner or operator shall also comply with the applicable provisions specified in 40 CFR 75-B.11 (a) through (e) or 40 CFR B-16, except the phrase "SO2 continuous emission monitoring system" is replaced with "CO2 continuous emission monitoring system," the term "maximum potential concentration for SO2" is replaced with "maximum CO2 concentration," and the phrase "SO2 mass emissions" is replaced with "CO2 mass emissions."

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 40: Compliance Certification**

Effective between the dates of 04/09/2020 and 04/08/2025

**Applicable Federal Requirement:40CFR 75.20, Subpart C**

**Item 40.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 40.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

At the time an owner or operator makes a replacement, modification, or change in the certified continuous emission monitoring (CEM) system or continuous opacity monitoring (COM) system (which includes the automated data acquisition and handling system) that significantly affects the ability of the system to measure or record the monitored values or to meet the requirements of appendix B of this 40 CFR 75, the owner or operator shall recertify

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the CEMS, COMS, or component thereof according to the procedures in 40 CFR 75.

Examples of changes which require recertification include: replacement of the analytical method, including the analyzer; change in location or orientation of the sampling probe or site; rebuilding of the analyzer or all monitoring system equipment; and replacement of an existing CEMS or COMS.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 41: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 40CFR 75.64(a), Subpart G**

**Item 41.1:**

The Compliance Certification activity will be performed for the Facility.

**Item 41.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The designated representative for an affected unit shall electronically report the data and information indicated below to the United States Environmental Protection Agency (US EPA) quarterly. Each report must be submitted within 30 days following the end of each calendar quarter and shall include:

(1) The information and hourly data required in 40 CFR 75.50 through 75.52 (or 75.54 through 75.56), excluding descriptions of adjustments, corrective action, and maintenance; information which is incompatible with electronic reporting (e.g., field data sheets, lab analyses, quality control plan); opacity data listed in 40 CFR 75.50(f) or 75.54(f); for units with SO<sub>2</sub> or NO<sub>x</sub> add-on emission controls that do not elect to use the approved site-specific parametric monitoring procedures for calculation of substitute data, the information in 40 CFR 75.55(b)(3); and the information recorded under 40 CFR 75.56(a)(7) for the period prior to January 1, 1996.

(2) Tons (rounded to the nearest tenth) of SO<sub>2</sub> emitted during the quarter and cumulative SO<sub>2</sub> emissions for the calendar year.

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(3) Average NOx emission rate (pounds per million BTU, rounded to the nearest hundredth) during the quarter and cumulative NOx emission rate for the calendar year.

(4) Tons of CO2 emitted during the quarter and cumulative CO2 emissions for the calendar year.

(5) Total heat input (million BTU) for the quarter and cumulative heat input for the calendar quarter.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: QUARTERLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 7/30/2020.

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

**Condition 42: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement: 40CFR 97.406, Subpart AAAAA**

**Item 42.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 42.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(1) The facility shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.413 through 97.418 of Subpart AAAAA. The facility shall notify the Department of this representative (and alternative) with contact information upon issuance of this permit and when any changes are made to the representative (or alternative) or their contact information.

(2) The facility, and the designated representative, of each TR NOx Annual source (facility) and each TR NOx Annual Unit at the facility shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.430 through 97.435 of Subpart AAAAA and subpart H of part 75 of this chapter. This includes but is not limited to: requirements for installation, certification, and data accounting for all required monitoring systems; requirements for recording, reporting, and quality-assurance of the data; and certification of

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compliance of such data. Data from continuous emission monitoring equipment are submitted quarterly (calendar year). These reports are generally due 30 days after the end of a calendar quarter. All other monitoring data are submitted to the DEC semiannually (calendar year). These reports are due on January 30th and July 30th of each year.

(3) The emissions data determined shall be used to calculate allocations of TR NO<sub>x</sub> Annual allowances and to determine compliance with the TR NO<sub>x</sub> Annual emissions limitation and assurance provisions. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR NO<sub>x</sub> Annual facility and each TR NO<sub>x</sub> Annual Unit at the facility shall hold, in the facilities compliance account, TR NO<sub>x</sub> Annual allowances available for deduction for such control period under §97.424(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all TR NO<sub>x</sub> Annual Units at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 43: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement:40CFR 97.606, Subpart CCCCC**

**Item 43.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 007446-09-5      SULFUR DIOXIDE

**Item 43.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(1) The facility shall comply with the requirement to have a designated representative, and may have an alternate designated representative, in accordance with §§97.613 through 97.618 of Subpart CCCCC. The facility shall notify the Department of this representative (and alternative) with contact information upon issuance of this permit and when any changes are made to the representative (or alternative) or their contact information.

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(2) The facility, and the designated representative, of each TR SO<sub>2</sub> Group 1 source (facility) and each TR SO<sub>2</sub> Group 1 Unit at the facility shall comply with the monitoring, reporting, and recordkeeping requirements of §§97.630 through 97.635 of Subpart CCCC and subpart H of part 75 of this chapter. This includes but is not limited to: requirements for installation, certification, and data accounting for all required monitoring systems; requirements for recording, reporting, and quality-assurance of the data; and certification of compliance of such data. Data from continuous emission monitoring equipment are submitted quarterly (calendar year). These reports are generally due 30 days after the end of a calendar quarter. All other monitoring data are submitted to the DEC semiannually (calendar year). These reports are due on January 30th and July 30th of each year.

(3) The emissions data determined shall be used to calculate allocations of TR SO<sub>2</sub> Group 1 allowances and to determine compliance with the TR SO<sub>2</sub> Group 1 emissions limitation and assurance provisions. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each TR SO<sub>2</sub> Group 1 facility and each TR SO<sub>2</sub> Group 1 Unit at the facility shall hold, in the facilities compliance account, TR SO<sub>2</sub> Group 1 allowances available for deduction for such control period under §97.624(a) in an amount not less than the tons of total SO<sub>2</sub> emissions for such control period from all TR SO<sub>2</sub> Group 1 Units at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 44: Compliance Certification**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable Federal Requirement:40CFR 97, Subpart EEEEE**

**Item 44.1:**

The Compliance Certification activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 44.2:**

Compliance Certification shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

(1) The facility shall comply with the requirement to have a designated representative, and may have an



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alternate designated representative, in accordance with §§97.813 through 97.818 of Subpart EEEEE. The facility shall notify the Department of this representative (and alternate) with contact information upon issuance of this permit and when any changes are made to the representative (or alternate) or their contact information.

(2) The facility, and the designated representative, of each CSAPR NO<sub>x</sub> Ozone Season source (facility) and each CSAPR NO<sub>x</sub> Ozone Season Unit at the facility must comply with the monitoring, reporting, and recordkeeping requirements of §§97.830 through 97.835 of Subpart EEEEE and subpart H of part 75 of this chapter. This includes but is not limited to: requirements for installation, certification, and data accounting for all required monitoring systems; requirements for recording, reporting, and quality assurance of the data; and certification of compliance of such data. Data from continuous emission monitoring equipment are to be submitted quarterly (calendar year). These reports are generally due 30 days after the end of a calendar quarter. All other monitoring data are to be submitted to the DEC semiannually (calendar year). These reports are due on January 30th and July 30th of each year.

(3) The emissions data determined shall be used to calculate allocations of CSAPR NO<sub>x</sub> Ozone Season allowances and to determine compliance with the CSAPR NO<sub>x</sub> Ozone Season emissions limitation and assurance provisions. As of the allowance transfer deadline for a control period in a given year, the owners and operators of each CSAPR NO<sub>x</sub> Ozone Season facility and each CSAPR NO<sub>x</sub> Ozone Season Unit at the facility shall hold, in the facilities compliance account, CSAPR NO<sub>x</sub> Ozone Season allowances available for deduction for such control period under §97.824(a) in an amount not less than the tons of total NO<sub>x</sub> emissions for such control period from all CSAPR NO<sub>x</sub> Ozone Season Units at the facility.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

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

**Condition 45: Emission Point Definition By Emission Unit**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 45.1:**

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

Emission Unit: U-D0001

Emission Point: 00001

Height (ft.): 220 Diameter (in.): 144  
 NYTMN (km.): 4602.946 NYTME (km.): 586.327 Building: D1

**Item 45.2:**

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

Emission Unit: U-D0002

Emission Point: 00002

Height (ft.): 220 Diameter (in.): 144  
 NYTMN (km.): 4602.926 NYTME (km.): 586.318 Building: D2

**Item 45.3:**

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

Emission Unit: U-D0003

Emission Point: 00003

Height (ft.): 240 Diameter (in.): 113  
 NYTMN (km.): 4602.907 NYTME (km.): 586.308 Building: D3/D4

**Item 45.4:**

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

Emission Unit: U-D0004

Emission Point: 00004

Height (ft.): 240 Diameter (in.): 151  
 NYTMN (km.): 4602.885 NYTME (km.): 586.295 Building: D3/D4

**Condition 46: Process Definition By Emission Unit**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 46.1:**

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

Emission Unit: U-D0001

Process: D10 Source Classification Code: 1-01-004-01

Process Description:

The combustion of No. 6 oil. The heat input rating of the boiler is 900 mmBtu/hr for No. 6 oil firing. Particulate emissions are controlled by a cold side electrostatic precipitator. Emissions of NOx are reduced through the use of low excess air and combustion air manipulation.

Emission Source/Control: SD001 - Combustion



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The combustion of natural gas. The heat input rating of the boiler is 1167 mmBtu/hr for natural gas firing. Emissions of NO<sub>x</sub> are reduced through the use of separated overfire air, burners-out-of-service (BOOS), and low NO<sub>x</sub> burners.

Emission Source/Control: SD003 - Combustion

**Item 46.6:**

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

Emission Unit: U-D0004

Process: D4G

Source Classification Code: 1-01-006-01

Process Description:

The combustion of natural gas. The heat input rating of the boiler is 2397 mmBtu/hr for natural gas firing. Emissions of NO<sub>x</sub> are reduced through the use of separated overfire air, burners-out-of-service (BOOS), and low NO<sub>x</sub> burners.

Emission Source/Control: SD004 - Combustion

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**STATE ONLY ENFORCEABLE CONDITIONS**  
**\*\*\*\* Facility Level \*\*\*\***

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

(2) The equipment at the permitted facility causing the emergency was at the time being properly operated and maintained;

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

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

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

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

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

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

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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 47: Contaminant List**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 47.1:**

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

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

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

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

**Condition 48: Malfunctions and start-up/shutdown activities**

**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 48.1:**

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

(b) The facility owner or operator shall compile and maintain records of all equipment malfunctions, maintenance, or start-up/shutdown activities when they can be expected to result in

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an exceedance of any applicable emission standard, and shall submit a report of such activities to the department when requested to do so, or when so required by a condition of a permit issued for the corresponding air contamination source. Such reports shall state whether any violations occurred and, if so, whether they were unavoidable, include the time, frequency and duration of the maintenance and/or start-up/shutdown activities, 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 stack monitoring and quarterly reporting requirements need not submit additional reports for equipment maintenance or start-up/shutdown activities for the facility to the department.

(c) In the event that emissions of air contaminants in excess of any emission standard in this Subchapter occur due to a malfunction, the facility owner or operator shall compile and maintain records of the malfunction and 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. 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, identification of air contaminants, and an estimate of the emission rates.

(d) The department may also require the 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 49: Air pollution prohibited**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 49.1:**

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

**Condition 50: Compliance Demonstration**  
**Effective between the dates of 04/09/2020 and 04/08/2025**

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

**Item 50.1:**

The Compliance Demonstration activity will be performed for the Facility.

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**Item 50.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The following pertains to all continuous opacity monitoring systems (COMS) at the facility:

**1. Maintenance**

Corrective maintenance activities shall be performed as needed. All corrective maintenance activities shall be documented on Corrective Action Sheets.

A preventative maintenance program shall be implemented and shall include the following activities:

Daily: Each opacity monitor automatically performs a zero and span calibration check every 24 hours according to 40 CFR 60, PS1 specifications. Daily zero and span calibration data are reviewed. The maintenance technicians correct any problems identified at this time. If the problem cannot be corrected, the CEM maintenance consultant is contacted.

Weekly: Maintenance technicians review opacity calibration trending and six-minute opacity data trending. If a problem is suspected, the maintenance technicians take corrective action and if the problem is not, the CEM consultant is contacted.

Monthly: The CEM maintenance consultant cleans the lenses at each unit and performs any required maintenance.

Quarterly: The CEM maintenance consultant performs opacity audits according to 40 CFR 60, PS1. During the audit, the monitor alignment is checked and adjusted, if required, and the lenses are cleaned. Opacity reports are generated from the CEM systems and submitted to NYSDEC Region 3 and Central Office.

Annually: The CEM maintenance consultant performs an opacity monitor response time test in accordance with 40 CFR 60, PS1.

**2. Quality Assurance**

The facility shall implement a quality assurance program consisting of quarterly data reviews and bi-annual program audits. Quarterly data reviews shall be resumed during which the opacity data collected during the quarter shall



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be examined to assure that exceedance events are properly documented with an Opacity Incident Report (OIR) and required notifications have been made. Program audits consisting of a thorough review of the opacity monitoring program shall be conducted by June 30 and December 31 of each year. The audits shall be verified by both daily zero and span checks and annual calibration error assessments. They shall also review the documentation to assure that all records are complete, and proper documentation is maintained of all OIRs, and monitor maintenance.

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 7/30/2020.

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

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