

Facility DEC ID: 3335400261

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

**IDENTIFICATION INFORMATION**

Permit Type: Air State Facility  
Permit ID: 3-3354-00261/00013  
Mod 0 Effective Date: 10/14/2015 Expiration Date: 10/13/2025  
Mod 1 Effective Date: 04/14/2022 Expiration Date: 10/13/2025

Permit Issued To: KYNDRYL INC  
1 VANDERBILT AVE FL 15  
NEW YORK, NY 10017-3852

Contact: JAMES MCHUGH  
299 LONG MEADOW RD  
STERLING FOREST, NY 10979  
(845) 324-5839

Facility: IBM CORP - STERLING FOREST  
299 LONG MEADOW RD  
STERLING FOREST, NY 10979

**Description:**

The facility is a data center located in the town of Warwick. Air emission sources identified in the permit are two boilers and seven diesel generators. There are also sources exempt from permitting at the facility, which include two emergency diesel generators, seven oil storage tanks, and a hot water heater.

The diesel generators are used for backup electrical power. The two emergency generators are rated at 890 and 630 horsepower, and will be operated less than 500 hours per year. The two boilers supply heat and hot water to the facility, and exhaust to a common stack. The hot water heater also exhausts to this stack. The boilers are not subject to 40 CFR 60 Subpart Dc, since they were constructed before 1989.

Emissions of oxides of nitrogen (NOx), carbon monoxide, and volatile organic compounds are limited below major source thresholds, as defined in 6NYCRR Part 201. Therefore, the facility is not subject to Title V and NOx Reasonably Available Control Technology requirements.

MOD1 allows for the transfer of ownership to be recognized.

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

Permit Administrator: REBECCA S CRIST  
21 S PUTT CORNERS RD  
NEW PALTZ, NY 12561

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

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### Notification of Other State Permittee Obligations

Item A: Permittee Accepts Legal Responsibility and Agrees to Indemnification

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

Item B: Permittee's Contractors to Comply with Permit

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

Item C: Permittee Responsible for Obtaining Other Required Permits

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

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

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

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**DEC GENERAL CONDITIONS**  
**\*\*\*\* General Provisions \*\*\*\***  
**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 expiration of permits for Title V Facility Permits, or at least 30 days before expiration of permits for 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 1-1: Applications for permit renewals, modifications and transfers**  
**Applicable State Requirement: 6 NYCRR 621.11**

**Item 1-1.1:**

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 1-1.2:**

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

**Item 1-1.3**

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.

**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 1-2: Submission of application for permit modification or renewal**  
**-REGION 3**

**HEADQUARTERS**

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

**Item 1-2.1:**

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

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New Paltz, NY 12561-1696  
(845) 256-3054

**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 - AIR STATE FACILITY PERMIT

IDENTIFICATION INFORMATION

Permit Issued To: KYNDRYL INC  
1 VANDERBILT AVE FL 15  
NEW YORK, NY 10017-3852

Facility: IBM CORP - STERLING FOREST  
299 LONG MEADOW RD  
STERLING FOREST, NY 10979

Authorized Activity By Standard Industrial Classification Code:  
7379 - COMPUTER RELATED SERVICES, NEC

Mod 0 Permit Effective Date: 10/14/2015

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Mod 1 Permit Effective Date: 04/14/2022

Permit Expiration Date: 10/13/2025



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- 6 1 6 NYCRR 201-3.2 (c) (6): Compliance Demonstration
- 6 2 6 NYCRR 201-7.1: Facility Permissible Emissions
- 7 \*3 6 NYCRR 201-7.1: Capping Monitoring Condition
- 8 \*4 6 NYCRR 201-7.1: Capping Monitoring Condition
- 10 \*5 6 NYCRR 201-7.1: Capping Monitoring Condition
- 11 26 6 NYCRR 211.2: Visible Emissions Limited
- 11 1-1 6 NYCRR 225-1.2 (d): Compliance Demonstration
- 12 1-2 6 NYCRR 227-1.4 (a): Compliance Demonstration
- 13 10 40CFR 60, NSPS Subpart III: Compliance and Enforcement
- 13 11 40CFR 63, Subpart JJJJJ: Compliance and Enforcement
- 14 12 40CFR 63.11214(c), Subpart JJJJJ: Compliance Demonstration
- 14 13 40CFR 63.11223(a), Subpart JJJJJ: Compliance Demonstration
- 15 14 40CFR 63.11225(b), Subpart JJJJJ: Compliance Demonstration
- 16 15 40CFR 63.11225(c), Subpart JJJJJ: Compliance Demonstration

**Emission Unit Level**

**EU=U-00G17**

- 19 17 40CFR 60.4204(b), NSPS Subpart III: Compliance Demonstration
- 20 18 40CFR 60.4207(b), NSPS Subpart III: Compliance Demonstration
- 20 19 40CFR 60.4214, NSPS Subpart III: Compliance Demonstration
- 21 20 40CFR 63.6590(c), Subpart ZZZZ: Stationary RICE  
subject to regulations under 40 CFR Part 60

**STATE ONLY ENFORCEABLE CONDITIONS**

**Facility Level**

- 24 21 ECL 19-0301: Contaminant List
- 25 22 6 NYCRR 201-1.4: Malfunctions and start-up/shutdown activities
- 25 1-3 6 NYCRR 201-1.4: Malfunctions and Start-up/Shutdown Activities
- 26 23 6 NYCRR Subpart 201-5: Emission Unit Definition
- 27 24 6 NYCRR 201-5.2 (c): Renewal deadlines for state facility permits
- 27 25 6 NYCRR 201-5.3 (c): Compliance Demonstration
- 28 6 6 NYCRR 211.1: Air pollution prohibited

**Emission Unit Level**

- 28 27 6 NYCRR Subpart 201-5: Emission Point Definition By Emission Unit
- 29 28 6 NYCRR Subpart 201-5: Process Definition By Emission Unit

NOTE: \* preceding the condition number indicates capping.

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**FEDERALLY ENFORCEABLE CONDITIONS**

Mod 1/FINAL

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

The Commissioner may seal an air contamination source to prevent its operation if compliance with 6 NYCRR Chapter III is not met within the time provided by an order of the Commissioner issued in the case of the violation.

Sealing means labeling or tagging a source to notify any person that operation of the source is prohibited, and also includes physical means of preventing the operation of an air contamination source without resulting in destruction of any equipment associated with such source, and includes, but is not limited to, bolting, chaining or wiring shut control panels, apertures or conduits associated with such source.

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

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

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

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

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

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

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required to operate such device effectively.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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All terms and conditions in this permit required by the Act or any applicable requirement, including any provisions designed to limit a facility's potential to emit, are enforceable by the Administrator and citizens under the Act. The Department has, in this permit, specifically designated any terms and conditions that are not required under the Act or under any of its applicable requirements as being enforceable under only state regulations.

**FEDERAL APPLICABLE REQUIREMENTS**  
**The following conditions are federally enforceable.**

**Condition 1: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 6 NYCRR 201-3.2 (c) (6)**

**Item 1.1:**  
 The Compliance Demonstration activity will be performed for the Facility.

**Item 1.2:**  
 Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

As defined in 6 NYCRR Part 200, emergency power generating stationary internal combustion engines operate for no more than 500 hours per year. These hours include operation during emergency situations and routine maintenance. The facility must maintain records of emergency engine hours of operation to demonstrate compliance with Subpart 201-3. These records must be kept on-site for at least five years.

Work Practice Type: HOURS PER YEAR OPERATION

Upper Permit Limit: 500 hours per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 2: Facility Permissible Emissions**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 2.1:**  
 The sum of emissions from the emission units specified in this permit shall not equal or exceed

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

per year	CAS No: 000630-08-0 (From Mod 1)	PTE: 20,000 pounds
	Name: CARBON MONOXIDE	
per year	CAS No: 0NY210-00-0 (From Mod 1)	PTE: 49,000 pounds
	Name: OXIDES OF NITROGEN	
per year	CAS No: 0NY998-00-0 (From Mod 1)	PTE: 10,000 pounds
	Name: VOC	

**Condition 3: Capping Monitoring Condition**  
Effective between the dates of 10/14/2015 and 10/13/2025

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 3.1:**

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

- 6 NYCRR Subpart 201-6
- 6 NYCRR Subpart 227-2

**Item 3.2:**

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

**Item 3.3:**

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

**Item 3.4:**

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

**Item 3.5:**

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

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201 and of the Act.

**Item 3.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

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

**Item 3.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility will monitor fuel oil usage of the two boilers and of the diesel generators in order to limit NOx emissions. The fuel usage will be obtained by reading and recording the fuel meter indication for each boiler and diesel generator.

The following emission factors will be used to calculate NOx emissions:

20 pounds per 1000 gallons of oil (from AP-42) for the boilers;

210.3 pounds per 1000 gallons of oil (based on manufacturer data) for generators G1 - G5;

25.4 pounds per 1000 gallons of oil (based on manufacturer data) for generators G6 and G7; and

442 pounds per 1000 gallons of oil (from AP-42) for the emergency generators.

Parameter Monitored: OXIDES OF NITROGEN

Upper Permit Limit: 24.5 tons per year

Monitoring Frequency: MONTHLY

Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY

Reporting Requirements: ANNUALLY (CALENDAR)

Reports due 30 days after the reporting period.

The initial report is due 1/30/2016.

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

**Condition 4: Capping Monitoring Condition**

**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:6 NYCRR 201-7.1**

**Item 4.1:**

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

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6 NYCRR Subpart 201-6

**Item 4.2:**

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

**Item 4.3:**

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

**Item 4.4:**

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

**Item 4.5:**

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

**Item 4.6:**

The Compliance Demonstration activity will be performed for the Facility.

Regulated Contaminant(s):

CAS No: 000630-08-0 CARBON MONOXIDE

**Item 4.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility will monitor fuel oil usage of the two boilers and of the diesel generators in order to limit carbon monoxide (CO) emissions. The fuel usage will be obtained by reading and recording the fuel meter indication for each boiler and diesel generator.

The following emission factors will be used to calculate CO emissions:

5 pounds per 1000 gallons of oil (from AP-42) for the boilers;

25.2 pounds per 1000 gallons of oil (based on manufacturer data) for generators G1 - G5;

60.8 pounds per 1000 gallons of oil (based on manufacturer



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data) for generators G6 and G7; and  
117 pounds per 1000 gallons of oil (from AP-42) for the  
emergency generators.

Parameter Monitored: CARBON MONOXIDE  
Upper Permit Limit: 10.0 tons per year  
Monitoring Frequency: MONTHLY  
Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
Reporting Requirements: ANNUALLY (CALENDAR)  
Reports due 30 days after the reporting period.  
The initial report is due 1/30/2016.  
Subsequent reports are due every 12 calendar month(s).

**Condition 5: Capping Monitoring Condition**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 6 NYCRR 201-7.1**

**Item 5.1:**

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

6 NYCRR Subpart 201-6

**Item 5.2:**

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

**Item 5.3:**

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

**Item 5.4:**

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

**Item 5.5:**

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

**Item 5.6:**

The Compliance Demonstration activity will be performed for the Facility.

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Regulated Contaminant(s):  
 CAS No: 0NY998-00-0    VOC

**Item 5.7:**

Compliance Demonstration shall include the following monitoring:

Capping: Yes

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

Monitoring Description:

The facility will monitor fuel usage of the two boilers and of the diesel generators in order to limit VOC emissions. The fuel usage will be obtained from reading and recording the fuel meter indication for each boiler and diesel generator.

The following emission factors will used to calculate VOC emissions:

- 0.34 pounds per 1000 gallons of oil (from AP-42) for the boilers;
- 6.04 pounds per 1000 gallons of oil (based on manufacturer data) for generators G1 - G5;
- 0.96 pounds per 1000 gallons of oil (based on manufacturer data) for generators G6 and G7; and
- 11.3 pounds per 1000 gallons of oil (from AP-42) for the emergency generators.

Parameter Monitored: VOC  
 Upper Permit Limit: 5.0 tons per year  
 Monitoring Frequency: MONTHLY  
 Averaging Method: ANNUAL MAXIMUM ROLLED MONTHLY  
 Reporting Requirements: ANNUALLY (CALENDAR)  
 Reports due 30 days after the reporting period.  
 The initial report is due 1/30/2016.  
 Subsequent reports are due every 12 calendar month(s).

**Condition 26: Visible Emissions Limited**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:6 NYCRR 211.2**

**Item 26.1:**

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

**Condition 1-1: Compliance Demonstration**  
**Effective between the dates of 04/14/2022 and 10/13/2025**

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

**Item 1-1.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-1.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: WORK PRACTICE INVOLVING SPECIFIC OPERATIONS

Monitoring Description:

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

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

Work Practice Type: PARAMETER OF PROCESS MATERIAL

Process Material: DISTILLATES - NUMBER 1 AND NUMBER 2 OIL

Parameter Monitored: SULFUR CONTENT

Upper Permit Limit: 0.0015 percent by weight

Monitoring Frequency: PER DELIVERY

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

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 1-2: Compliance Demonstration**

**Effective between the dates of 04/14/2022 and 10/13/2025**

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

**Item 1-2.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 1-2.2:**

Compliance Demonstration shall include the following monitoring:

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

Monitoring Description:

No owner or operator of a stationary combustion installation subject to this Subpart shall operate an emission source which exhibits greater than 20 percent opacity (based on a six minute average), except for one 6 minute period per hour of not more than 27 percent opacity. The owner or operator will conduct a Method 9 test annually. A report of the results of the test will

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be submitted to the Department within 30 days of the completion of the Method 9 test. All records generated by the permittee must be maintained at the facility or at an alternative location approved by the Department for a minimum of five years.

Parameter Monitored: OPACITY  
 Upper Permit Limit: 20 percent  
 Reference Test Method: 40 CFR 60, Appendix A, Method 9  
 Monitoring Frequency: ANNUALLY  
 Averaging Method: 6-MINUTE AVERAGE (METHOD 9)  
 Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 10: Compliance and Enforcement**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:40CFR 60, NSPS Subpart IIII**

**Item 10.1:**

This Condition applies to:

Emission Unit: U00G17

**Item 10.2:**

The Department has not accepted delegation of 40 CFR Part 60 Subpart IIII. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 60 Subpart IIII during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

**Condition 11: Compliance and Enforcement**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 11.1:**

This Condition applies to:

Emission Unit: U00B12

**Item 11.2:**

The Department has not accepted delegation of 40 CFR Part 63 Subpart JJJJJ. Any questions concerning compliance and/or enforcement of this regulation should be referred to USEPA Region 2, 290 Broadway, 21st Floor, New York, NY 10007-1866; (212) 637-4080. Should the Department decide to accept delegation of 40 CFR Part 63 Subpart JJJJJ during the term of this permit, enforcement of this regulation will revert to the Department as of the effective date of delegation.

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**Condition 12: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:40CFR 63.11214(c), Subpart JJJJJ**

**Item 12.1:**

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

Emission Unit: U-00B12

**Item 12.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator of an existing affected boiler with a heat input capacity of 10 million Btu per hour or greater must submit a signed certification in the Notification of Compliance Status report that an energy assessment of the boiler and its energy use systems was completed according to Table 2 to subpart JJJJJ and is an accurate depiction of his/her facility.

Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: ONCE / BATCH OR MONITORING OCCURRENCE

**Condition 13: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:40CFR 63.11223(a), Subpart JJJJJ**

**Item 13.1:**

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

Emission Unit: U-00B12

**Item 13.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

For affected sources subject to the work practice standard or the management practices of a tune-up, the owner or operator must conduct a performance tune-up according to 40 CFR 63.11223(b) and keep records as required in 40 CFR 63.11225(c) to demonstrate continuous

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compliance. The owner or operator must conduct the tune-up while burning the type of fuel (or fuels in the case of boilers that routinely burn two types of fuels at the same time) that provided the majority of the heat input to the boiler over the 12 months prior to the tune-up.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 14: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 40CFR 63.11225(b), Subpart JJJJJ**

**Item 14.1:**

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

Emission Unit: U-00B12

**Item 14.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

The owner or operator must prepare, by March 1 of each year, and submit to the delegated authority upon request, an annual compliance certification report for the previous calendar year containing the information specified in paragraphs (1) through (4). The owner or operator must submit the report by March 15 if he/she had any instance described by paragraph (3). For boilers that are subject only to a requirement to conduct a biennial or 5-year tune-up according to 40 CFR 63.11223(a) and not subject to emission limits or operating limits, the owner or operator may prepare only a biennial or 5-year compliance report as specified in paragraphs (1) and (2).

(1) Company name and address.

(2) Statement by a responsible official, with the official's name, title, phone number, email address, and signature, certifying the truth, accuracy and completeness of the notification and a statement of whether the source has complied with all the relevant standards and other requirements of subpart JJJJJ. The owner's or operator's notification must include the following certification(s) of compliance, as applicable, and signed by a responsible official:

(i) "This facility complies with the requirements in 40

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CFR 63.11223 to conduct a biennial or 5-year tune-up, as applicable, of each boiler.”

(ii) For units that do not qualify for a statutory exemption as provided in section 129(g)(1) of the Clean Air Act: “No secondary materials that are solid waste were combusted in any affected unit.”

(iii) “This facility complies with the requirement in 40 CFR 63.11214(d) and 63.11223(g) to minimize the boiler’s time spent during startup and shutdown and to conduct startups and shutdowns according to the manufacturer’s recommended procedures or procedures specified for a boiler of similar design if manufacturer’s recommended procedures are not available.”

(3) If the source experiences any deviations from the applicable requirements during the reporting period, include a description of deviations, the time periods during which the deviations occurred, and the corrective actions taken.

(4) The total fuel use by each affected boiler subject to an emission limit, for each calendar month within the reporting period, including, but not limited to, a description of the fuel, whether the fuel has received a non-waste determination by you or EPA through a petition process to be a non-waste under 40 CFR 241.3(c), whether the fuel(s) were processed from discarded non-hazardous secondary materials within the meaning of 40 CFR 241.3, and the total fuel usage amount with units of measure.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 15: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 40CFR 63.11225(c), Subpart JJJJJ**

**Item 15.1:**

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

Emission Unit: U-00B12

**Item 15.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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The owner or operator of an industrial, commercial, or institutional boiler must maintain the records specified in paragraphs (1) through (7).

(1) As required in 40 CFR 63.10(b)(2)(xiv), the owner or operator must keep a copy of each notification and report that he/she submitted to comply with subpart JJJJJ and all documentation supporting any Initial Notification or Notification of Compliance Status that he/she submitted.

(2) The owner or operator must keep records to document conformance with the work practices, emission reduction measures, and management practices required by 40 CFR 63.11214 and 40 CFR 63.11223 as specified in paragraphs (i) through (vi).

(i) Records must identify each boiler, the date of tune-up, the procedures followed for tune-up, and the manufacturer's specifications to which the boiler was tuned.

(ii) For operating units that combust non-hazardous secondary materials that have been determined not to be solid waste pursuant to 40 CFR 241.3(b)(1), the owner or operator must keep a record which documents how the secondary material meets each of the legitimacy criteria under 40 CFR 241.3(d)(1). If the owner or operator combusts a fuel that has been processed from a discarded non-hazardous secondary material pursuant to 40 CFR 241.3(b)(4), he/she must keep records as to how the operations that produced the fuel satisfies the definition of processing in 40 CFR 241.2 and each of the legitimacy criteria in 40 CFR 241.3(d)(1). If the fuel received a non-waste determination pursuant to the petition process submitted under 40 CFR 241.3(c), the owner or operator must keep a record that documents how the fuel satisfies the requirements of the petition process. For operating units that combust nonhazardous secondary materials as fuel per 40 CFR 241.4, the owner or operator must keep records documenting that the material is a listed non-waste under 40 CFR 241.4(a).

(iii) For each boiler required to conduct an energy assessment, the owner or operator must keep a copy of the energy assessment report.

(iv) For each boiler subject to an emission limit in Table I to subpart JJJJJ, the owner or operator must also keep records of monthly fuel use by each boiler, including the type(s) of fuel and amount(s) used.



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(v) For each boiler that meets the definition of seasonal boiler, the owner or operator must keep records of days of operation per year.

(vi) For each boiler that meets the definition of limited-use boiler, the owner or operator must keep a copy of the federally enforceable permit that limits the annual capacity factor to less than or equal to 10 percent and records of fuel use for the days the boiler is operating.

(3) For sources that demonstrate compliance through fuel analysis, a copy of all calculations and supporting documentation that were done to demonstrate compliance with the mercury emission limits. Supporting documentation should include results of any fuel analyses. The owner or operator can use the results from one fuel analysis for multiple boilers provided they are all burning the same fuel type.

(4) Records of the occurrence and duration of each malfunction of the boiler, or of the associated air pollution control and monitoring equipment.

(5) Records of actions taken during periods of malfunction to minimize emissions in accordance with the general duty to minimize emissions in 40 CFR 63.11205(a), including corrective actions to restore the malfunctioning boiler, air pollution control, or monitoring equipment to its normal or usual manner of operation.

(6) The owner or operator must keep the records of all inspection and monitoring data required by 40 CFR 63.11221 and 63.11222, and the information identified in paragraphs (i) through (vi) for each required inspection or monitoring.

(i) The date, place, and time of the monitoring event.

(ii) Person conducting the monitoring.

(iii) Technique or method used.

(iv) Operating conditions during the activity.

(v) Results, including the date, time, and duration of the period from the time the monitoring indicated a problem to the time that monitoring indicated proper operation.

(vi) Maintenance or corrective action taken (if

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applicable).

(7) If the owner or operator uses a bag leak detection system, he/she must keep the records specified in paragraphs (i) through (iii).

(i) Records of the bag leak detection system output.

(ii) Records of bag leak detection system adjustments, including the date and time of the adjustment, the initial bag leak detection system settings, and the final bag leak detection system settings.

(iii) The date and time of all bag leak detection system alarms, and for each valid alarm, the time the owner or operator initiated corrective action, the corrective action taken, and the date on which corrective action was completed.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

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

**Condition 17: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 40CFR 60.4204(b), NSPS Subpart IIII**

**Item 17.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00G17

**Item 17.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of 2007 model year and later non-emergency stationary compression ignition internal combustion engines with a displacement of less than 30 liters per cylinder must comply with the emission standards for new compression ignition engines in 40 CFR 60.4201 for their model year, as applicable. Compliance with this requirement will be established by purchasing an engine certified by the engine manufacturer that meets the applicable emission standards.

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Monitoring Frequency: SINGLE OCCURRENCE

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 18: Compliance Demonstration**

**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:40CFR 60.4207(b), NSPS Subpart IIII**

**Item 18.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00G17

**Item 18.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners or operators of a stationary compression ignition internal combustion engine with a displacement of less than 30 liters per cylinder that uses diesel fuel must meet the requirements of 40 CFR 80.510(b). Compliance shall be demonstrated by sampling and analyzing the fuel, or by obtaining a certificate of analysis from the fuel supplier.

Monitoring Frequency: PER DELIVERY

Reporting Requirements: UPON REQUEST BY REGULATORY AGENCY

**Condition 19: Compliance Demonstration**

**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement:40CFR 60.4214, NSPS Subpart IIII**

**Item 19.1:**

The Compliance Demonstration activity will be performed for:

Emission Unit: U-00G17

**Item 19.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

Owners and operators of non-emergency stationary CI IC engines that are greater than 2,237 KW (3,000HP), or have a displacement of greater than or equal to 10 liters per cylinder, or are pre-2007 model year engines that are greater than 130 KW (175 HP) and not certified, must meet the following notification, reporting and recordkeeping requirements:

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- (1) Submit an initial notification including the following information as required in §60.7(a)(1).
  - (i) Name and address of the owner or operator;
  - (ii) The address of the affected source;
  - (iii) Engine information including make, model, engine family, serial number, model year, maximum engine power, and engine displacement;
  - (iv) Emission control equipment; and
  - (v) Fuel used.
  
- (2) Keep records of the information listed below:
  - (i) All notifications submitted to comply with this subpart and all documentation supporting any notification.
  - (ii) Maintenance conducted on the engine.
  - (iii) If the stationary CI internal combustion is a certified engine, documentation from the manufacturer that the engine is certified to meet the emission standards.
  - (iv) If the stationary CI internal combustion is not a certified engine, documentation that the engine meets the emission standards.

If the stationary CI IC engine is an emergency stationary internal combustion engine, an initial notification is not required to be submitted. Starting with the model years in table 5 to Subpart IIII of Part 60, if the emergency engine does not meet the standards applicable to nonemergency engines in the applicable model year, the owner or operator must keep records of the operation of the engine in emergency and non-emergency service that are recorded through the nonresettable hour meter. The owner must record the time of operation of the engine and the reason the engine was in operation during that time.

If the stationary CI internal combustion engine is equipped with a diesel particulate filter, the owner or operator must keep records of any corrective action taken after the backpressure monitor has notified the owner or operator that the high backpressure limit of the engine is approached.

Monitoring Frequency: AS REQUIRED - SEE PERMIT MONITORING DESCRIPTION

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 20: Stationary RICE subject to regulations under 40 CFR Part 60 Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable Federal Requirement: 40CFR 63.6590(c), Subpart ZZZZ**

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**Item 20.1:**

This Condition applies to Emission Unit: U-00G17

**Item 20.2:**

An affected source that meets any of the criteria listed below must meet the requirements of this part by meeting the requirements of 40 CFR part 60 subpart IIII, for compression ignition engines or 40 CFR part 60 subpart JJJJ, for spark ignition engines. No further requirements apply for such engines under this part.

- new or reconstructed stationary RICE located at an area source,
- new or reconstructed 2SLB stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed 4SLB stationary RICE with a site rating of less than 250 brake horsepower located at a major source of HAP emissions,
- new or reconstructed spark ignition 4 stroke rich burn (4SRB) stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions which combusts landfill or digester gas equivalent to 10 percent or more of the gross heat input on an annual basis,
- new or reconstructed emergency or limited use stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions,
- new or reconstructed compression ignition (CI) stationary RICE with a site rating of less than or equal to 500 brake horsepower located at a major source of HAP emissions.

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**STATE ONLY ENFORCEABLE CONDITIONS**

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

**NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**STATE ONLY APPLICABLE REQUIREMENTS**

**The following conditions are state only enforceable.**

**Condition 21: Contaminant List**

**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 21.1:**

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

CAS No: 000630-08-0  
Name: CARBON MONOXIDE

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

CAS No: 0NY998-00-0  
Name: VOC

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**Condition 22: Malfunctions and start-up/shutdown activities**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 22.1:**

(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 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 1-3: Malfunctions and Start-up/Shutdown Activities**  
**Effective between the dates of 04/14/2022 and 10/13/2025**

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

**Item 1-3.1:**

(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



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periods of start-up, shutdown, or malfunction.

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

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

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

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

**Condition 23: Emission Unit Definition**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 23.1(From Mod 1):**

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

Emission Unit: U-00B12

Emission Unit Description:

This emission unit includes Boilers 1 and 2, which are Cleaver Brooks distillate oil fired 400 horsepower boilers. Each boiler has a maximum heat input of 15.46 million BTU per hour and vent to a common stack. A Boch hot water heater with a maximum heat input of 0.28 million BTU per hour also vents to this stack. The heater is

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exempt from air permitting.

Building(s): BLDG 1

**Item 23.2(From Mod 1):**

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

Emission Unit: U-00G17

Emission Unit Description:

This emission unit includes seven non emergency status diesel generators, each rated at 2500 KW with its own emission point. These generators are all classified as new engines at an area source for HAP emissions, and are equipped with EPA certified engines in compliance with New Source Performance Standards. Five of the generators are Detroit Diesel standby generators (G1 - G5) with a maximum heat input of 24.4 million BTU per hour. The other two generators (G6 and G7) are Cummins standby generators with a maximum heat input of 23.4 million BTU per hour. There are no limits on the hours of operation for these seven generators.

Building(s): GEN 6  
 GEN 7  
 GEN BLDG

**Condition 24: Renewal deadlines for state facility permits**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 24.1:**

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

**Condition 25: Compliance Demonstration**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 25.1:**

The Compliance Demonstration activity will be performed for the Facility.

**Item 25.2:**

Compliance Demonstration shall include the following monitoring:

Monitoring Type: RECORD KEEPING/MAINTENANCE PROCEDURES

Monitoring Description:

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

Permit ID: 3-3354-00261/00013

Facility DEC ID: 3335400261

Division of Air Resources  
 NYS Dept. of Environmental Conservation  
 Region 3  
 21 South Putt Corners Rd.  
 New Paltz, NY 12561

Reporting Requirements: AS REQUIRED - SEE MONITORING DESCRIPTION

**Condition 6: Air pollution prohibited**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

**Applicable State Requirement:6 NYCRR 211.1**

**Item 6.1:**

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

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

**Condition 27: Emission Point Definition By Emission Unit**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 27.1(From Mod 1):**

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

Emission Unit: U-00B12

Emission Point: EPB12

Height (ft.): 67                      Diameter (in.): 30  
 NYTMN (km.): 4557.416    NYTME (km.): 562.164    Building: BLDG 1

**Item 27.2(From Mod 1):**

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

Emission Unit: U-00G17

Emission Point: 0EPG1

Height (ft.): 25                      Diameter (in.): 12  
 NYTMN (km.): 4557.416    NYTME (km.): 562.164    Building: GEN BLDG

Emission Point: 0EPG2

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Facility DEC ID: 3335400261

Height (ft.): 25	Diameter (in.): 12	
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN BLDG
Emission Point: 0EPG3		
Height (ft.): 25	Diameter (in.): 12	
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN BLDG
Emission Point: 0EPG4		
Height (ft.): 25	Diameter (in.): 12	
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN BLDG
Emission Point: 0EPG5		
Height (ft.): 25	Diameter (in.): 12	
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN BLDG
Emission Point: 0EPG6		
Height (ft.): 26	Length (in.): 112	Width (in.): 162
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN 6
Emission Point: 0EPG7		
Height (ft.): 26	Length (in.): 112	Width (in.): 162
NYTMN (km.): 4557.416	NYTME (km.): 562.164	Building: GEN 7

**Condition 28: Process Definition By Emission Unit**  
**Effective between the dates of 10/14/2015 and 10/13/2025**

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

**Item 28.1(From Mod 1):**

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

Emission Unit: U-00B12  
 Process: BLR Source Classification Code: 1-02-005-02  
 Process Description: Combustion of distillate oil in the two boilers

Emission Source/Control: 000B1 - Combustion  
 Design Capacity: 15.46 million Btu per hour

Emission Source/Control: 000B2 - Combustion  
 Design Capacity: 15.46 million Btu per hour

**Item 28.2(From Mod 1):**

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

Emission Unit: U-00G17  
 Process: GEN Source Classification Code: 2-02-004-01  
 Process Description:

Combustion of ultra low sulfur diesel in the non  
 emergency generators

Emission Source/Control: 000G1 - Combustion  
 Design Capacity: 2,500 kilowatts

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Emission Source/Control: 000G2 - Combustion  
Design Capacity: 2,500 kilowatts

Emission Source/Control: 000G3 - Combustion  
Design Capacity: 2,500 kilowatts

Emission Source/Control: 000G4 - Combustion  
Design Capacity: 2,500 kilowatts

Emission Source/Control: 000G5 - Combustion  
Design Capacity: 2,500 kilowatts

Emission Source/Control: 000G6 - Combustion  
Design Capacity: 2,500 kilowatts

Emission Source/Control: 000G7 - Combustion  
Design Capacity: 2,500 kilowatts

**Permit ID: 3-3354-00261/00013**

**Facility DEC ID: 3335400261**