



New York State Department of Environmental Conservation
Permit Review Report

Permit ID: 6-2240-00009/00007

Renewal Number: 2

Modification Number: 3 09/11/2017

Facility Identification Data

Name: REENERGY BLACK RIVER

Address: EUPHRATES RIVER VALLEY RD & ONEIDA AVE
FORT DRUM, NY 13602

Owner/Firm

Name: REENERGY BLACK RIVER LLC

Address: PO BOX 849

FORT DRUM, NY 13602-0849, USA

Owner Classification: Corporation/Partnership

Permit Contacts

Division of Environmental Permits:

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Air Permitting Contact:

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PO Box 849

Fort Drum, NY 13602-0849

Phone:9739021438

Permit Description

Introduction

The Title V operating air permit is intended to be a document containing only enforceable terms and conditions as well as any additional information, such as the identification of emission units, emission points, emission sources and processes, that makes the terms meaningful. 40 CFR Part 70.7(a)(5) requires that each Title V permit have an accompanying "...statement that sets forth the legal and factual basis for the draft permit conditions". The purpose for this permit review report is to satisfy the above requirement by providing pertinent details regarding the permit/application data and permit conditions in a more easily understandable format. This report will also include background narrative and explanations of regulatory decisions made by the reviewer. It should be emphasized that this permit review report, while based on information contained in the permit, is a separate document and is not itself an enforceable term and condition of the permit.

Summary Description of Proposed Project

This application is a modification to an existing Title V permit for the ReEnergy Black River facility. The modification will not cause an increase in any criteria pollutant annual tonnage and therefore the modification is minor in nature. The modification is to allow additional operational flexibility for ReEnergy



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Black River to comply with their CO emission limits. The proposed modification will not result in any operational or equipment changes. As for regulatory changes, the carbon monoxide(CO) emission limits have been completely changed with the exception of the annual tonnage. ReEnergy used to have traditional limits of annual tonnage(tons per year) and pound per million British Thermal Units (lb/mmbtu). This approach resulted in ReEnergy having extreme difficulty meeting the CO emission limits and eventually non-compliance. After significant negotiation, the Department developed revised carbon monoxide (CO) emission limits. These CO emission limits include the maintenance of the annual CO tonnage (234.1 tons per year) and the development of a short term pound per day limit of 2,300 lbs per day. This is a more flexible emission scenario that allows for the peaks of start-ups, shutdowns, and upsets, while remaining below the overall cap and remaining below any significant short term impacts of pollutants. ReEnergy uses continuous emission monitors (CEMs) to determine compliance with all NOx and CO emission limits in the permit. The facility is subject to Prevention of Significant Deterioration (PSD, 6 NYCRR Part 231), NSPS (40CFR60, Subpart Db, 40 CFR 63 subpart DDDDD and NOx RACT (Part 227-2).

Attainment Status

REENERGY BLACK RIVER is located in the town of LE RAY in the county of JEFFERSON. The attainment status for this location is provided below. (Areas classified as attainment are those that meet all ambient air quality standards for a designated criteria air pollutant.)

Criteria Pollutant	Attainment Status
Particulate Matter (PM)	ATTAINMENT
Particulate Matter< 10µ in diameter (PM10)	ATTAINMENT
Sulfur Dioxide (SO2)	ATTAINMENT
Ozone*	MARGINAL NON-ATTAINMENT
Oxides of Nitrogen (NOx)**	ATTAINMENT
Carbon Monoxide (CO)	ATTAINMENT

* Ozone is regulated in terms of the emissions of volatile organic compounds (VOC) and/or oxides of nitrogen (NOx) which are ozone precursors.

** NOx has a separate ambient air quality standard in addition to being an ozone precursor.

Facility Description:

The electrical generating facility consists of three circulating fluidized bed boilers. The proposed modification increases the heat input of each boiler to 300 mmbtu/hr and allow additional operational flexibility by changing the Carbon Monoxide (CO) emission limits. The changes in CO emission limits will not increase the annual tonnages of any emission limits. The three circulating fluidized bed boilers exhaust through a single common exhaust stack after control devices which consist of a baghouse for particulate control. Other emission sources not affected by the modification include the three emergency diesel generators, fuel storage tanks, outdoor fuel piles, and various other exempt and trivial sources.



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Permit Structure and Description of Operations

The Title V permit for REENERGY BLACK RIVER

is structured in terms of the following hierarchy: facility, emission unit, emission point, emission source and process. A facility is defined as all emission sources located at one or more adjacent or contiguous properties owned or operated by the same person or persons under common control. The facility is subdivided into one or more emission units (EU). Emission units are defined as any part or activity of a stationary facility that emits or has the potential to emit any federal or state regulated air pollutant. An emission unit is represented as a grouping of processes (defined as any activity involving one or more emission sources (ES) that emits or has the potential to emit any federal or state regulated air pollutant). An emission source is defined as any apparatus, contrivance or machine capable of causing emissions of any air contaminant to the outdoor atmosphere, including any appurtenant exhaust system or air cleaning device. [NOTE: Indirect sources of air contamination as defined in 6 NYCRR Part 203 (i.e. parking lots) are excluded from this definition]. The applicant is required to identify the principal piece of equipment (i.e., emission source) that directly results in or controls the emission of federal or state regulated air pollutants from an activity (i.e., process). Emission sources are categorized by the following types:

- combustion - devices which burn fuel to generate heat, steam or power
- incinerator - devices which burn waste material for disposal
- control - emission control devices
- process - any device or contrivance which may emit air contaminants that is not included in the above categories.

REENERGY BLACK RIVER is defined by the following emission unit(s):

Emission unit U00005 -

Emission unit U00005 is associated with the following emission points (EP):
00007, 00008

Process: S01 This process includes associated machinery require to process, transport, and convey solid fuel from receiving to stockpile to boiler fuel supply which includes unloading, stack-out, and reclaim conveyors.

Emission unit U00001 - Emission Unit U00001 represents the common exhaust point for 3 circulating fluidized bed boilers. The proposed modified nominal short term heat input is 900 mmbtu/hr (Emission Unit U-00001, 24 hour block average) when all 3 boilers are operating. The proposed fuels to be combusted are clean wood, unadulterated wood from C+D debris, glued wood creosote treated wood, tire derived fuel and non-recyclable fibrous material (waste paper). These steam boilers are designated as sources E0001, E0002, and E0003 with each boiler having a capacity of 300 mmbtu/hr.

Emission unit U00001 is associated with the following emission points (EP):
00001

Process: C01 is located at Main, Building BLDG A - This process is for combustion of wood fired alone or in combination with other fuels in one or more boilers. The process ID has been renumbered from the existing ID (C04) in the current permit to C01. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O2 content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

Process: C02 is located at Main, Building BLDG A - This process is for combustion of unadulterated



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wood separated from C&D debris, as approved by a BUD, fired alone or in combination with other fuels in one or more boilers. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O₂ content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

Process: C03 is located at Main, Building BLDG A - This process is for the combustion of fuel oil fired alone or in combination with other fuels in one or more boilers. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O₂ content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

The oil fired burners are not large enough to run the facility. They are strictly used for start-up, shutdown, flame stabilization and load changing.

Process: C04 is located at Main, Building BLDG A - This process is for the co-firing of an alternative fuel, tire derived fuel (TDF), fired in combination with other fuels in one or more boilers and limited to 30 weight percent or less of the total fuel feed. This process has been re-numbered from C08. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O₂ content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

Process: C05 is located at Main, Building BLDG A - This process is for the co-firing of an alternative fuel, creosote treated wood (CTW), fired in combination with other fuels in one or more boilers and limited to 30 weight percent or less of the total fuel feed. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O₂ content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

Process: C06 is located at Main, Building BLDG A - This process is for the co-firing of an alternative fuel, glued wood (particle board and plywood), fired in combination with other fuels in one or more boilers and limited to 30% or less of the total fuel feed. Combustion of this fuel is allowed only in accordance with the provisions of an approved BUD. The maximum total heat input to Emission Unit U-00001 is 900 mmbtu/hr (24 hour block average); compliance with this condition is to be based on representative fuel data and CEMs stack flow, Fd factor for the fuel(s) fired and a correction for stack %O₂ content (40CFR60, Appendix A, Method 19). This is how Black River monitors total heat input to U-00001 currently.

Process: C07 is located at 1, Building BLDG A - This process is for the co-firing of an alternative fuel, non-recyclable fibrous material (waste paper), fired in combination with other fuels in one or more boilers and limited to 30 weight percent or less total fuel feed.

Emission unit U00003 -

Emission unit U00003 is associated with the following emission points (EP):

Process: D02 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.



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Process: P07 is located at 1, Building BLDG. C - EMISSION UNIT U00003 REPRESENTS A 13.0 MMBTU/HR MITSUBISHI ENGINE USED TO PROVIDE BACKUP POWER FOR THE FACILITY.

Emission unit U00002 -

Emission unit U00002 is associated with the following emission points (EP):
00002

Process: D01 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.

Process: P06 is located at 1, Building BLDG. C - EMISSION UNIT U00002 REPRESENTS A 13.0 MMBTU/HR MITSUBISHI ENGINE USED TO PROVIDE BACK-UP POWER FOR THE FACILITY.

Emission unit U00004 -

Emission unit U00004 is associated with the following emission points (EP):
00004

Process: D03 is located at 1, Building BLDG. C - This process is for internal combustion of fuel oil for the purpose of peak electrical shaving and internal power generation.

Process: P08 is located at 1, Building BLDG. C - EMISSION UNIT U00004 REPRESENTS A 11.5 MMBTU/HR MITSUBISHI ENGINE USED TO PROVIDE BACKUP POWER FOR THE FACILITY.

Title V/Major Source Status

REENERGY BLACK RIVER is subject to Title V requirements. This determination is based on the following information:

The facility is major for NOx, CO, CO2, SO2, Total HAPs, Hydrogen Chloride and Benzene.

<u>Pollutant</u>	<u>Major Source Threshold</u>	<u>ReEnergy Emission Levels</u>
NOx	100 tons per year	538 tons per year
CO	100 tons per year	234 tons per year
CO2	100,000 tons per year	658,951 tons per year
SO2	100 tons per year	379 tons per year
HAPs	25 tons per year	122 tons per year
HCl	10 tons per year	> 10 tons per year
Benzene	10 tons per year	> 10 tons per year

Program Applicability

The following chart summarizes the applicability of REENERGY BLACK RIVER with regards to the principal air pollution regulatory programs:



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Regulatory Program	Applicability
PSD	YES
NSR (non-attainment)	NO
NESHAP (40 CFR Part 61)	NO
NESHAP (MACT - 40 CFR Part 63)	YES
NSPS	YES
TITLE IV	NO
TITLE V	YES
TITLE VI	NO
RACT	YES
SIP	YES

NOTES:

PSD Prevention of Significant Deterioration (40 CFR 52, 6 NYCRR 231-7, 231-8) - requirements which pertain to major stationary sources located in areas which are in attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NSR New Source Review (6 NYCRR 231-5, 231-6) - requirements which pertain to major stationary sources located in areas which are in non-attainment of National Ambient Air Quality Standards (NAAQS) for specified pollutants.

NESHAP National Emission Standards for Hazardous Air Pollutants (40 CFR 61, 6 NYCRR 200.10) - contaminant and source specific emission standards established prior to the Clean Air Act Amendments of 1990 (CAAA) which were developed for 9 air contaminants (inorganic arsenic, radon, benzene, vinyl chloride, asbestos, mercury, beryllium, radionuclides, and volatile HAP's).

MACT Maximum Achievable Control Technology (40 CFR 63, 6 NYCRR 200.10) - contaminant and source specific emission standards established by the 1990 CAAA. Under Section 112 of the CAAA, the US EPA is required to develop and promulgate emissions standards for new and existing sources. The standards are to be based on the best demonstrated control technology and practices in the regulated industry, otherwise known as MACT. The corresponding regulations apply to specific source types and contaminants.

NSPS New Source Performance Standards (40 CFR 60, 6 NYCRR 200.10) - standards of performance for specific stationary source categories developed by the US EPA under Section 111 of the CAAA. The standards apply only to those stationary sources which have been constructed or modified after the regulations have been proposed by publication in the Federal Register and only to the specific contaminant(s) listed in the regulation.

Title IV Acid Rain Control Program (40 CFR 72 thru 78, 6 NYCRR 201-6) - regulations which mandate the implementation of the acid rain control program for large stationary combustion facilities.

Title VI Stratospheric Ozone Protection (40 CFR 82, Subpart A thru G, 6 NYCRR 200.10) - federal requirements that apply to sources which use a minimum quantity of CFC's (chlorofluorocarbons), HCFC's (hydrofluorocarbons) or other ozone depleting substances or regulated substitute substances in



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equipment such as air conditioners, refrigeration equipment or motor vehicle air conditioners or appliances.

RACT Reasonably Available Control Technology (6 NYCRR Parts 212-3, 226, 227-2, 228, 229, 230, 232, 233, 234, 235, 236) - the lowest emission limit that a specific source is capable of meeting by application of control technology that is reasonably available, considering technological and economic feasibility. RACT is a control strategy used to limit emissions of VOC's and NOx for the purpose of attaining the air quality standard for ozone. The term as it is used in the above table refers to those state air pollution control regulations which specifically regulate VOC and NOx emissions.

SIP State Implementation Plan (40 CFR 52, Subpart HH, 6 NYCRR 200.10) - as per the CAAA, all states are empowered and required to devise the specific combination of controls that, when implemented, will bring about attainment of ambient air quality standards established by the federal government and the individual state. This specific combination of measures is referred to as the SIP. The term here refers to those state regulations that are approved to be included in the SIP and thus are considered federally enforceable.

Compliance Status

Facility is in compliance with all requirements.

SIC Codes

SIC or Standard Industrial Classification code is an industrial code developed by the federal Office of Management and Budget for use, among other things, in the classification of establishments by the type of activity in which they are engaged. Each operating establishment is assigned an industry code on the basis of its primary activity, which is determined by its principal product or group of products produced or distributed, or services rendered. Larger facilities typically have more than one SIC code.

SIC Code

Description

4911	ELECTRIC SERVICES
4931	ELEC & OTHER SERVICES COMBINED
4961	STEAM SUPPLY

SCC Codes

SCC or Source Classification Code is a code developed and used" by the USEPA to categorize processes which result in air emissions for the purpose of assessing emission factor information.Each SCC represents a unique process or function within a source category logically associated with a point of air pollution emissions. Any operation that causes air pollution can be represented by one or more SCC's.

SCC Code

Description

1-01-005-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - DISTILLATE OIL Grades 1 and 2 Oil
1-01-009-03	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - WOOD/BARK WASTE Wood-Fired Boiler
1-01-012-01	EXTERNAL COMBUSTION BOILERS - ELECTRIC GENERATION
	ELECTRIC UTILITY BOILER - SOLID WASTE Specify Waste Material in Comments
1-02-012-01	EXTERNAL COMBUSTION BOILERS - INDUSTRIAL INDUSTRIAL BOILER - SOLID WASTE



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2-02-001-02	Specify Waste Material in Comments INTERNAL COMBUSTION ENGINES - INDUSTRIAL INDUSTRIAL INTERNAL COMBUSTION ENGINE - DISTILLATE OIL(DIESEL) Reciprocating
3-07-008-21	PULP & PAPER AND WOOD PRODUCTS PULP & PAPER & WOOD - SAWMILL OPERATIONS INDUSTRIAL PROCESSES:SAWMILL OPERATIONS:CHIP STORAGE PILES

Facility Emissions Summary

In the following table, the CAS No. or Chemical Abstract Service code is an identifier assigned to every chemical compound. [NOTE: Certain CAS No.'s contain a 'NY' designation within them. These are not true CAS No.'s but rather an identification which has been developed by the department to identify groups of contaminants which ordinary CAS No.'s do not do. As an example, volatile organic compounds or VOC's are identified collectively by the NY CAS No. 0NY998-00-0.] The PTE refers to the Potential to Emit. This is defined as the maximum capacity of a facility or air contaminant source to emit any air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility or air contamination source to emit any air contaminant, including air pollution control equipment and/or restrictions on the hours of operation, or on the type or amount or material combusted, stored, or processed, shall be treated as part of the design only if the limitation is contained in federally enforceable permit conditions. The PTE for each contaminant that is displayed represents the facility-wide PTE in tons per year (tpy) or pounds per year (lbs/yr). In some instances the PTE represents a federally enforceable emissions cap or limitation for that contaminant. The term 'HAP' refers to any of the hazardous air pollutants listed in section 112(b) of the Clean Air Act Amendments of 1990. Total emissions of all hazardous air pollutants are listed under the special NY CAS No. 0NY100-00-0. In addition, each individual hazardous air pollutant is also listed under its own specific CAS No. and is identified in the list below by the (HAP) designation.

Cas No.	Contaminant	PTE lbs/yr	PTE tons/yr	Actual lbs/yr	Actual tons/yr
000071-43-2	BENZENE		15.9		
000124-38-9	CARBON DIOXIDE		658951		
000630-08-0	CARBON MONOXIDE	468420			
007647-01-0	HYDROGEN CHLORIDE		71.9		
007439-92-1	LEAD		0.2		
007439-97-6	MERCURY	27.6			
0NY210-00-0	OXIDES OF NITROGEN		538.05		
0NY075-00-0	PARTICULATES		47.48		
0NY075-00-5	PM-10		47.48		
007446-09-5	SULFUR DIOXIDE		379.8		
0NY100-00-0	TOTAL HAP		122.3		
0NY998-00-0	VOC		31.65		

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

Item A: Public Access to Recordkeeping for Title V Facilities - 6 NYCRR 201-1.10(b)



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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 Part 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 Part 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 Part 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 Part 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 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 Part 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 Part 201-6.4(g)

All permittees granted a Title V facility permit shall be covered under the protection of a



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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;
- 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 Part 201-6.4(i)

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

- i. If additional applicable requirements under the Act become applicable where this permit's remaining term is 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 this 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 Part 201-6.7 and Part 621.
- 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



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

Item K: Permit Exclusion - ECL 19-0305

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

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

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

NOTIFICATION OF GENERAL PERMITTEE OBLIGATIONS

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.



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(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_02

**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 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.

Regulatory Analysis

Location Facility/EU/EP/Process/ES	Regulation	Condition	Short Description
FACILITY	ECL 19-0301	102	Powers and Duties of the Department with respect to air pollution control
U-00001	40CFR 60-A	68	General provisions
U-00005	40CFR 60-A	94	General provisions
U-00001	40CFR 60-A.11(d)	76	General provisions - compliance with standards and maintenance requirements
U-00005	40CFR 60-A.11(d)	101	General provisions - compliance with standards and maintenance requirements
U-00001	40CFR 60-A.12	77	General provisions - Circumvention
U-00001	40CFR 60-A.13	78	General provisions - Monitoring requirements
U-00001	40CFR 60-A.4	69	General provisions - Address
U-00005	40CFR 60-A.4	95	General provisions - Address
U-00001	40CFR 60-A.7(a)	70	Notification and Recordkeeping
U-00005	40CFR 60-A.7(a)	96	Notification and



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U-00001	40CFR 60-A.7(b)	71	Recordkeeping
U-00005	40CFR 60-A.7(b)	97	Notification and Recordkeeping
U-00001	40CFR 60-A.7(c)	72	Notification and Recordkeeping
U-00005	40CFR 60-A.7(c)	98	Notification and Recordkeeping
U-00001	40CFR 60-A.7(d)	73	Notification and Recordkeeping
U-00005	40CFR 60-A.7(d)	99	Notification and Recordkeeping
U-00001	40CFR 60-A.7(f)	74	Notification and Recordkeeping
U-00005	40CFR 60-A.7(f)	100	Notification and Recordkeeping
U-00001	40CFR 60-A.9	75	General provisions - Availability of information
U-00001	40CFR 60-Db	79, 3 -61	Steam generators over 100 million Btu per hour
U-00001	40CFR 60-Db.49b	80	Reporting and Recordkeeping Requirements.
FACILITY	40CFR 63- DDDDD.7495(b)	3 -7	ICI Boiler Major Source NESHAP - Compliance Date for Existing Sources
FACILITY	40CFR 63- DDDDD.7495(d)	3 -8	ICI Boiler Major Source NESHAP - Notification Requirements
FACILITY	40CFR 63- DDDDD.7500(a)(3 -9, 3 -10, 3 -11, 3 -12	ICI Boiler Major Source NESHAP - Emission Limits and Management Practices
FACILITY	40CFR 63- DDDDD.7500(a)(3 -13	ICI Boiler Major Source NESHAP - Good Air Pollution Control Practices
FACILITY	40CFR 63- DDDDD.7505(c)	3 -14	ICI Boiler Major Source NESHAP - Demonstrating Compliance
FACILITY	40CFR 63- DDDDD.7505(d)	3 -15	ICI Boiler Major Source NESHAP - Site-Specific Monitoring Plan
FACILITY	40CFR 63- DDDDD.7510(c)	3 -16	ICI Boiler Major Source NESHAP - Initial Compliance for Carbon Monoxide
FACILITY	40CFR 63- DDDDD.7515(e)	3 -17	ICI Boiler Major Source NESHAP - Compliance with Fuel Analysis
FACILITY	40CFR 63- DDDDD.7515(f)	3 -18	ICI Boiler Major Source NESHAP - Performance Test Reports
U-00001/00001	40CFR 63-DDDDD.7520	3 -62	ICI Boiler Major Source NESHAP - Stack



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FACILITY	40CFR 63- DDDDD.7521(a)	3	-19	Test Requirements ICI Boiler Major Source NESHAP - Fuel Analysis Requirements
FACILITY	40CFR 63-DDDDD.7522	3	-20	ICI Boiler Major Source NESHAP - Emission Averaging
U-00001/00001	40CFR 63- DDDDD.7525(a)	3	-63	ICI Boiler Major Source NESHAP - Oxygen Monitoring Requirements
FACILITY	40CFR 63- DDDDD.7525(d)	3	-21	ICI Boiler Major Source NESHAP - Continuous Monitoring System
FACILITY	40CFR 63- DDDDD.7525(f)	3	-22	ICI Boiler Major Source NESHAP - Pressure Monitoring System
FACILITY	40CFR 63- DDDDD.7530(a)	3	-23	ICI Boiler Major Source NESHAP - Initial Compliance Demonstration
FACILITY	40CFR 63- DDDDD.7530(c)	3	-24	ICI Boiler Major Source NESHAP - Initial Compliance Demonstration Through Fuel Analysis
FACILITY	40CFR 63- DDDDD.7530(e)	3	-25	ICI Boiler Major Source NESHAP - Certification of Energy Assessment
FACILITY	40CFR 63- DDDDD.7530(f)	3	-26	ICI Boiler Major Source NESHAP - Notification of Compliance Status
FACILITY	40CFR 63- DDDDD.7530(h)	3	-27	ICI Boiler Major Source NESHAP - Work Practice Standards
U-00001/00001	40CFR 63-DDDDD.7535	3	-64	ICI Boiler Major Source NESHAP - Minimum monitoring data collection
FACILITY	40CFR 63- DDDDD.7540(a)	3	-28	ICI Boiler Major Source NESHAP - Continuous Compliance
U-00001/00001	40CFR 63- DDDDD.7540(d)	3	-65	ICI Boiler Major Source NESHAP - Startup and Shutdown Work Practice Standards
FACILITY	40CFR 63- DDDDD.7545(d)	3	-29	ICI Boiler Major Source NESHAP - Performance Test Notification
FACILITY	40CFR 63- DDDDD.7545(e)	3	-30	ICI Boiler Major Source NESHAP - Notification of Compliance Status
FACILITY	40CFR 63- DDDDD.7550(b)	3	-31	ICI Boiler Major Source NESHAP - Reporting Requirements
FACILITY	40CFR 63-	3	-32	ICI Boiler Major



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	DDDDD.7550(c)			Source NESHAP - Compliance Reports
FACILITY	40CFR 63- DDDDD.7550(e)	3	-33	ICI Boiler Major Source NESHAP - Deviation Reporting at Facilities Using CMS
FACILITY	40CFR 63- DDDDD.7550(h)	3	-34	ICI Boiler Major Source NESHAP - Performance tests and CEMS reporting
FACILITY	40CFR 63- DDDDD.7555(a)	3	-35	ICI Boiler Major Source NESHAP - Recordkeeping
FACILITY	40CFR 63- DDDDD.7555(c)	3	-36	ICI Boiler Major Source NESHAP - Monitoring Data Recordkeeping
FACILITY	40CFR 63- DDDDD.7555(i)	3	-37	ICI Boiler Major Source NESHAP - Startup and Shutdown Records
FACILITY	40CFR 63- DDDDD.7555(j)	3	-38	ICI Boiler Major Source NESHAP - Startup and Shutdown Fuel Records
FACILITY	40CFR 63-DDDDD.7560	3	-39	ICI Boiler Major Source NESHAP - Record Format
FACILITY	40CFR 63-DDDDD.7565	3	-40	ICI Boiler Major Source NESHAP - General Provisions
FACILITY	40CFR 63-ZZZZ	52, 3	-41	Reciprocating Internal Combustion Engine (RICE) NESHAP
U-00002	40CFR 63- ZZZZ.6590(a)(1)	85		Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability - Existing RICE
U-00003	40CFR 63- ZZZZ.6590(a)(1)	3	-84	Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability - Existing RICE
U-00004	40CFR 63- ZZZZ.6590(a)(1)	3	-89	Reciprocating Internal Combustion Engine (RICE) NESHAP - Applicability - Existing RICE
U-00002	40CFR 63- ZZZZ.6590(b)(3)	3	-66	Reciprocating Internal Combustion Engine (RICE) NESHAP - Stationary RICE Subject to Limited Requirements
FACILITY	40CFR 63-ZZZZ.6604	3	-42	Reciprocating Internal Combustion Engine (RICE) NESHAP - Fuel requirements for CI RICE
U-00002	40CFR 63-ZZZZ.6605(a)	3	-67	Reciprocating Internal Combustion Engine (RICE) NESHAP



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U-00002	40CFR 63-ZZZZ.6605(b)	3	-68	- compliance Reciprocating Internal Combustion Engine (RICE) NESHAP - operate and maintain air pollution control and monitoring equipment
U-00002	40CFR 63-ZZZZ.6610(a)	3	-69	Reciprocating Internal Combustion Engine (RICE) NESHAP - Dates for Initial Compliance Demonstrations
U-00002	40CFR 63-ZZZZ.6610(d)	3	-70	Reciprocating Internal Combustion Engine (RICE) NESHAP - Dates for Initial Compliance Demonstrations
FACILITY	40CFR 63-ZZZZ.6620(b)	3	-43	Reciprocating Internal Combustion Engine (RICE) NESHAP - performance tests
U-00002	40CFR 63-ZZZZ.6625(a)	3	-71	Reciprocating Internal Combustion Engine (RICE) NESHAP - installation of continuous emission monitoring system (CEMS)
U-00002	40CFR 63-ZZZZ.6625(b)	3	-72	Reciprocating Internal Combustion Engine (RICE) NESHAP - installation of continuous parameter monitoring system (CPMS)
U-00002	40CFR 63-ZZZZ.6625(e)	3	-73	Reciprocating Internal Combustion Engine (RICE) NESHAP - maintenance of engine and control device
U-00002	40CFR 63-ZZZZ.6625(f)	3	-74	Reciprocating Internal Combustion Engine (RICE) NESHAP - non-resettable hour meter for certain existing emergency engines
U-00002	40CFR 63-ZZZZ.6625(h)	3	-75	Reciprocating Internal Combustion Engine (RICE) NESHAP - idling time at startup
U-00002	40CFR 63-ZZZZ.6625(i)	3	-76	Reciprocating Internal Combustion Engine (RICE) NESHAP - oil analysis program for compression ignition engines
U-00002	40CFR 63-ZZZZ.6640(a)	3	-77	Reciprocating



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U-00002	40CFR 63-ZZZZ.6640(b)	3	-78	Internal Combustion Engine (RICE) NESHAP - Compliance Requirements Reciprocating Internal Combustion Engine (RICE) NESHAP - deviations and catalyst changing
U-00002	40CFR 63-ZZZZ.6640(f)	3	-79	Reciprocating Internal Combustion Engine (RICE) NESHAP - emergency engines
U-00002	40CFR 63-ZZZZ.6645(a)	86		Reciprocating Internal Combustion Engine (RICE) NESHAP - NESHAP General Provision
U-00002	40CFR 63-ZZZZ.6645(g)	87		notifications Reciprocating Internal Combustion Engine (RICE) NESHAP - notification of intent to conduct performance test
U-00002	40CFR 63-ZZZZ.6650(b)	88		Reciprocating Internal Combustion Engine (RICE) NESHAP - reporting schedule
U-00003	40CFR 63-ZZZZ.6650(b)	3	-85	Reciprocating Internal Combustion Engine (RICE) NESHAP - reporting schedule
U-00002	40CFR 63-ZZZZ.6650(c)	89		Reciprocating Internal Combustion Engine (RICE) NESHAP - contents of compliance reports
U-00003	40CFR 63-ZZZZ.6650(c)	3	-86	Reciprocating Internal Combustion Engine (RICE) NESHAP - contents of compliance reports
U-00002	40CFR 63-ZZZZ.6650(d)	90, 3	-80	Reciprocating Internal Combustion Engine (RICE) NESHAP - deviation reports
U-00002	40CFR 63-ZZZZ.6650(e)	91		Reciprocating Internal Combustion Engine (RICE) NESHAP - deviation reporting contained in compliance reports
FACILITY	40CFR 63-ZZZZ.6650(f)	53		Reciprocating Internal Combustion Engine (RICE) NESHAP - Title V and NESHAP reporting
U-00002	40CFR 63-ZZZZ.6655(a)	92		Reciprocating Internal Combustion Engine (RICE) NESHAP - records that must be kept
U-00003	40CFR 63-ZZZZ.6655(a)	3	-87	Reciprocating



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U-00002	40CFR 63-ZZZZ.6655(d)	3	-81	Internal Combustion Engine (RICE) NESHAP - records that must be kept
U-00002	40CFR 63-ZZZZ.6655(e)	3	-82	Reciprocating Internal Combustion Engine (RICE) NESHAP - Record keeping requirements
U-00002	40CFR 63-ZZZZ.6655(f)	3	-83	Reciprocating Internal Combustion Engine (RICE) NESHAP - maintenance plan records that must be kept
U-00002	40CFR 63-ZZZZ.6660		93	Reciprocating Internal Combustion Engine (RICE) NESHAP - Recordkeeping requirements
U-00003	40CFR 63-ZZZZ.6660	3	-88	Reciprocating Internal Combustion Engine (RICE) NESHAP - record retention
FACILITY	40CFR 64		54	COMPLIANCE ASSURANCE MONITORING
FACILITY	40CFR 68		11	Chemical accident prevention provisions
FACILITY	40CFR 82-F		12	Protection of Stratospheric Ozone - recycling and emissions reduction
FACILITY	40CFR 97-AAAAA.406	3	-44	Transport Rule (TR) NOx Annual Trading Program Standard Requirments
FACILITY	40CFR 97-BBBBB.506	3	-45	Transport Rule (TR) NOx Ozone Season Trading Program
FACILITY	40CFR 97-CCCCC.606	3	-46	Standard Requirement Transport Rule (TR) SO2 Group 1 Trading Program Standard Requirments
FACILITY	6NYCRR 200.6		1	Acceptable ambient air quality.
FACILITY	6NYCRR 200.7		5	Maintenance of equipment.
FACILITY	6NYCRR 201-1.4		103, 104	Unavoidable noncompliance and violations
FACILITY	6NYCRR 201-1.7		6	Recycling and Salvage
FACILITY	6NYCRR 201-1.8		7	Prohibition of reintroduction of collected contaminants to the air
FACILITY	6NYCRR 201-3.2(a)		8	Exempt Activities - Proof of eligibility
FACILITY	6NYCRR 201-3.3(a)		9	Trivial Activities -



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FACILITY	6NYCRR 201-6	13, 55, 56	proof of eligibility Title V Permits and the Associated Permit Conditions
FACILITY	6NYCRR 201-6.4(a)(4)	14	General Conditions - Requirement to Provide Information
FACILITY	6NYCRR 201-6.4(a)(7)	15	General Conditions - Fees
FACILITY	6NYCRR 201-6.4(a)(8)	16, 17, 3 -2	General Conditions - Right to Inspect
FACILITY	6NYCRR 201-6.4(c)	18	Recordkeeping and Reporting of Compliance Monitoring Records of Monitoring, Sampling and Measurement Reporting
FACILITY	6NYCRR 201-6.4(c)(2)	19	Requirements - Deviations and Noncompliance
FACILITY	6NYCRR 201-6.4(c)(3)(ii)	3 -1	Compliance Schedules - Progress Reports
FACILITY	6NYCRR 201-6.4(d)(4)	21	Compliance Certification
FACILITY	6NYCRR 201-6.4(e)	22	Off Permit Changes
FACILITY	6NYCRR 201-6.4(f)(6)	23	Federally Enforceable Emissions Caps
FACILITY	6NYCRR 201-7	3 -3	Required emissions tests.
FACILITY	6NYCRR 202-1.1	10	Emission Statements - Applicability
FACILITY	6NYCRR 202-2.1	2	Emission Statements - record keeping requirements.
FACILITY	6NYCRR 202-2.5	3	General Prohibitions - air pollution prohibited
FACILITY	6NYCRR 211.1	25	Open Fires - Prohibitions
FACILITY	6NYCRR 215.2	4	Sulfur-in-Fuel Limitations
FACILITY	6NYCRR 225-1.2	3 -4	Particulate emissions.
FACILITY	6NYCRR 227.2(b)(1)	28	Smoke Emission Limitations.
U-00001/00001	6NYCRR 227-1.3(a)	81	Applicability.
FACILITY	6NYCRR 227-2.1	3 -5	Statement of Purpose
FACILITY	6NYCRR 231-3.1	3 -6	Mods to Existing Major Facilities in Attainment Areas (PSD)
FACILITY	6NYCRR 231-8	29	CO2 Budget Trading Program - Standard requirements
FACILITY	6NYCRR 242-1.5	105, 106	CO2 Budget Trading Program - Compliance certification
FACILITY	6NYCRR 242-4	107	CO2 Budget Trading Program - Monitoring and reporting
FACILITY	6NYCRR 242-8	108	Permit Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6(a)	31	



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FACILITY	6NYCRR 243-1.6(b)	32	Monitoring Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6(c)	33	NOx Ozone Season Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6(d)	34	Excess Emission Requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-1.6(e)	35	Recordkeeping and reporting requirements - CAIR NOx Ozone Season Trading Program
FACILITY	6NYCRR 243-2.1	37	Authorization and responsibilities - CAIR Designated Representative Certificate of representation - CAIR Designated Representative General Requirements - Monitoring and Reporting
FACILITY	6NYCRR 243-2.4	38	Out of control periods - Monitoring and Reporting
FACILITY	6NYCRR 243-8.1	40, 41	Quarterly reports re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.3	42	Compliance certification re: recordkeeping and reporting - Monitoring and Reporting
FACILITY	6NYCRR 243-8.5(d)	43	CAIR NOx Ozone Annual Trading Program
FACILITY	6NYCRR 243-8.5(e)	44	General Provisions
FACILITY	6NYCRR 244-1	45	CAIR Designated Representative for CAIR NOx Sources
FACILITY	6NYCRR 244-2	46	Monitoring and Reporting CAIR NOx Allowances
FACILITY	6NYCRR 244-8	47	CAIR SO2 Trading Program General Provisions
FACILITY	6NYCRR 245-1	48	CAIR Designated Representative for CAIR SO2 Sources
FACILITY	6NYCRR 245-2	49	Monitoring and Reporting for CAIR SO2 Trading Program
FACILITY	6NYCRR 245-8	50	

Applicability Discussion:



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Mandatory Requirements: The following facility-wide regulations are included in all Title V permits:

ECL 19-0301

This section of the Environmental Conservation Law establishes the powers and duties assigned to the Department with regard to administering the air pollution control program for New York State.

6 NYCRR 200.6

Acceptable ambient air quality - prohibits contravention of ambient air quality standards without mitigating measures

6 NYCRR 200.7

Anyone owning or operating an air contamination source which is equipped with an emission control device must operate the control consistent with ordinary and necessary practices, standards and procedures, as per manufacturer's specifications and keep it in a satisfactory state of maintenance and repair so that it operates effectively

6 NYCRR 201-1.4

This regulation specifies the actions and recordkeeping and reporting requirements for any violation of an applicable state enforceable emission standard that results from a necessary scheduled equipment maintenance, start-up, shutdown, malfunction or upset in the event that these are unavoidable.

6 NYCRR 201-1.7

Requires the recycle and salvage of collected air contaminants where practical

6 NYCRR 201-1.8

Prohibits the reintroduction of collected air contaminants to the outside air

6 NYCRR 201-3.2 (a)

An owner and/or operator of an exempt emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains exempt emission sources or units, 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.

6 NYCRR 201-3.3 (a)

The owner and/or operator of a trivial emission source or unit may be required to certify that it operates within the specific criteria described in this Subpart. All required records must be maintained on-site for a period of 5 years and made available to department representatives upon request. In addition, department representatives must be granted access to any facility which contains trivial emission sources or units subject to 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.

6 NYCRR Subpart 201-6

This regulation applies to those terms and conditions which are subject to Title V permitting. It establishes the applicability criteria for Title V permits, the information to be included in all Title V permit applications as well as the permit content and terms of permit issuance. This rule also specifies the compliance, monitoring, recordkeeping, reporting, fee, and procedural requirements that need to be met to obtain a Title V permit, modify the permit and demonstrate conformity with applicable requirements as listed in the Title V permit. For permitting purposes, this rule specifies the need to identify and describe all emission units, processes and products in the permit application as well as providing the Department the authority to



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include this and any other information that it deems necessary to determine the compliance status of the facility.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide information that the Department may request in writing, within a reasonable time, in order to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (5)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted semiannually.

6 NYCRR 201-6.4 (e)

Sets forth the general requirements for compliance certification content; specifies an annual submittal frequency; and identifies the EPA and appropriate regional office address where the reports are to be sent.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of



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the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 202-1.1

This regulation allows the department the discretion to require an emission test for the purpose of determining compliance. Furthermore, the cost of the test, including the preparation of the report are to be borne by the owner/operator of the source.

6 NYCRR 202-2.1

Requires that emission statements shall be submitted on or before April 15th each year for emissions of the previous calENDar year.

6 NYCRR 202-2.5

This rule specifies that each facility required to submit an emission statement must retain a copy of the statement and supporting documentation for at least 5 years and must make the information available to department representatives.

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.

40 CFR Part 68

This Part lists the regulated substances and there applicability thresholds and sets the requirements for stationary sources concerning the prevention of accidental releases of these substances.

40 CFR Part 82, Subpart F

Subpart F requires the reduction of emissions of class I and class II refrigerants to the lowest achievable level during the service, maintenance, repair, and disposal of appliances in accordance with section 608 of the Clean Air Act AmENDments of 1990. This subpart applies to any person servicing, maintaining, or repairing appliances except for motor vehicle air conditioners. It also applies to persons disposing of appliances, including motor vehicle air conditioners, refrigerant reclaimers, appliance owners, and manufacturers of appliances and recycling and recovery equipment. Those individuals, operations, or activities affected by this rule, may be required to comply with specified disposal, recycling, or recovery practices, leak repair practices, recordkeeping and/or technician certification requirements.

Facility Specific Requirements

In addition to Title V, REENERGY BLACK RIVER has been determined to be subject to the following regulations:

40 CFR 60.11 (d)

This regulation specifies the type of opacity monitoring requirements in relation to compliance with the standards and maintenance requirements.

40 CFR 60.12

This regulation prohibits an owner or operator from concealing emissions in violation of applicable standards by any means.

40 CFR 60.13



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This regulation specifies how monitoring shall be performed and which methods and appendices are used to determine if the monitoring is adequate and in compliance with the regulated standards.

40 CFR 60.4

This condition lists the USEPA Region 2 address for the submittal of all communications to the "Administrator". In addition, all such communications must be copied to NYSDEC Bureau of Quality Assurance (BQA).

40 CFR 60.49b

This rule specifies the reporting and recordkeeping requirements for affected steam generating units.

40 CFR 60.7 (a)

This regulation requires any owner or operator subject to a New Source Performance Standard (NSPS) to furnish the Administrator with notification of the dates of: construction or reconstruction, initial startup, any physical or operational changes, commencement of performance testing for continuous monitors and anticipated date for opacity observations as required.

40 CFR 60.7 (b)

This regulation requires the owner or operator to maintain records of the occurrence and duration of any startup, shutdown, or malfunction of the source or control equipment or continuous monitoring system.

40 CFR 60.7 (c)

This requirement details the information to be submitted in excess emissions and monitoring systems performance reports which must be submitted at least semi-annually for sources with compliance monitoring systems.

40 CFR 60.7 (d)

This condition specifies the required information and format for a summary report form and details when either a summary form and/or excess emissions reports are required.

40 CFR 60.7 (f)

This condition specifies requirements for maintenance of files of all measurements, including continuous monitoring system (CMS), monitoring device, and performance testing measurements; all CMS performance evaluations; all CMS or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices for at least two years.

40 CFR 60.9

This rule citation allows the public access to any information submitted to the EPA Administrator (or state contact), in conjunction with a project subject to this section of the regulation.



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40 CFR 63.6590 (a) (1)

This condition defines which reciprocating internal combustion engines (RICE) will be treated as an existing affected source. If the engine started up before December 19, 2002 then it will be considered an existing source for the purposes of this NESHAP rule.

40 CFR 63.6590 (b) (3)

This condition lists the types of engines that are exempt from the provisions in this NESHAP rule. The types of engines include:

- Existing 2-stroke lean burn
- Existing 4-stroke lean burn
- Existing emergency
- Existing limited-use
- Existing landfill/digester gas fuel-fired

40 CFR 63.6604

These conditions state the fuel requirements for compression ignition engines that uses diesel fuel.

40 CFR 63.6605 (a)

This condition states that the facility must meet all emission limits and operating limits that this rule imposes at all times.

40 CFR 63.6605 (b)

This condition requires the facility to operate their engine(s) so that emissions of hazardous air pollutants are minimized during periods when the engine(s) are starting up, shutting down, and malfunctioning.

40 CFR 63.6610 (a)

This condition reduces emissions of hazardous air pollutants by requiring the owner or operator of a stationary RICE with a site rating of more than 500 brake horsepower located at a major source of HAP emissions to conduct a performance test proving that the engine(s) meet the emission limits in this rule within 180 days of the date that the facility must be in compliance.

40 CFR 63.6610 (d)

This condition allows the owner or operator of a stationary RICE with a site rating of more than 500 brake horsepower located at a major source of HAP emissions to substitute a previous performance test to prove that the engine is meeting the emission limits in this rule if a number of criteria are met.



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40 CFR 63.6620 (b)

This condition reduces emissions of hazardous air pollutants by specifying which methods the facility must use in order to measure the amount of pollutants that are being emitted from the engine(s). This condition also lists other specifics that ensure that the measurements are correct, and this condition specifies how often the tests must be performed.

40 CFR 63.6625 (a)

This condition reduces the emission of hazardous air pollutants by providing specific regulations on how the facility operates and maintains any continuous emission monitoring systems (CEMS). The facility must meet the requirements in 40 CFR 63.8 to ensure that the monitoring systems are reading the correct information and that the engine(s) are continuously meeting the emission limits in this rule.

40 CFR 63.6625 (b)

This condition reduces the emission of hazardous air pollutants by providing specific regulations on how the facility operates and maintains any continuous parameter monitoring systems (CPMS). The facility must meet the requirements in 40 CFR 63.8 to ensure that the monitoring systems are reading the correct information and that the engine(s) are continuously meeting the emission limits in this rule.

40 CFR 63.6625 (e)

This regulation requires the owners or operator of an existing stationary RICE with a site rating of less than 100 brake HP located at a major source of HAP emissions, an existing stationary emergency RICE, or an existing stationary RICE located at an area source of HAP emissions must operate and maintain the stationary RICE and after-treatment control device (if any) according to the manufacturer's emission-related written instructions or develop their own maintenance plan which must provide to the extent practicable for the maintenance and operation of the engine in a manner consistent with good air pollution control practice for minimizing emissions.

40 CFR 63.6625 (f)

This condition reduces the emission of hazardous air pollutants by requiring existing emergency engines greater than or equal to 500 brake horsepower located at a major source of HAP emissions and existing emergency engines located at an area source of HAP emissions to install a non-resettable hour meter.

40 CFR 63.6625 (h)



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This regulation requires the owner or operator of a reciprocating internal combustion engine, operating at a major source of hazardous air pollutants, to minimize the idling time of the engine at startup. Startup time is limited to 30 minutes or less.

40 CFR 63.6625 (i)

This condition allows compression ignition engines subject to work practices to extend the length of time between oil changes.

40 CFR 63.6640 (a)

This condition reduces the emissions of hazardous air pollutants from reciprocating internal combustion engines (RICE) by listing what the facility has to do to prove that it is continuously meeting the emission limits listed in this rule.

When the facility conducted the performance test to measure the emissions of pollutants during normal engine operation, the facility had to either install a device to continuously measure these emissions or measure parameters which are representative of what the emissions would be during operation of the engine. Then this information must be submitted to the NYSDEC so that DEC can tell from the compliance reports whether the emission limits are being met.

40 CFR 63.6640 (b)

This condition specifies what the facility needs to do in the event that the results of the monitoring show that the facility was not meeting the emission limits in this rule. This is called a deviation from the emission limits and/or operating limits of this rule and must be reported to NYSDEC.

This condition also requires the facility to conduct another performance test and re-establish the operating parameters if the catalyst in the control device is changed.

40 CFR 63.6640 (f)

This condition states the operation requirements for emergency engines.

40 CFR 63.6645 (a)

This condition lists all of the notifications that are listed in Subpart A (General Provisions) that need to be submitted by the facility.

40 CFR 63.6645 (g)

This condition specifies that a facility must submit a notification of intent to conduct a performance test at least 60 days before the scheduled test.



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40 CFR 63.6650 (b)

This regulation sets forth the reporting requirements for the owner or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

40 CFR 63.6650 (c)

This condition lists what the facility needs to submit with the semiannual compliance report required in this rule.

40 CFR 63.6650 (d)

This condition lists what the facility needs to submit when a deviation occurs with respect to requirements in this rule.

40 CFR 63.6650 (e)

This condition lists what information the facility needs to submit for each deviation from an emission limit or operating limit.

40 CFR 63.6650 (f)

This condition states when information in the compliance report required by the NESHAP can be used for the semiannual monitoring report required for Title V.

40 CFR 63.6655 (a)

This regulation sets forth the record keeping requirements for owners or operators of stationary internal combustion engines at facilities with emissions of hazardous air pollutants.

40 CFR 63.6655 (d)

Records showing continuous compliance with each applicable emission or operating limit must be kept in accordance with Table 6 of 40 CFR63 Subpart ZZZZ ("Continuous Compliance With Emission Limitations, Operating Limitations, Work Practices, and Management Practices").



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40 CFR 63.6655 (e)

This regulation sets forth the record keeping requirements for RICE subject to facility specific maintenance plans.

40 CFR 63.6655 (f)

This regulation requires the owner/operator of a reciprocating internal combustion engine to record the number of hours the engine has been used, in both emergency and non-emergency use.

40 CFR 63.6660

This condition specifies how long the facility must keep records of the results of the monitoring that was done to prove that the engine(s) was meeting the emission limits in this rule.

40 CFR 63.7495 (b)

This regulation requires industrial, commercial or institutional boilers located at facilities that are major sources of hazardous air pollutants to comply with 40 CFR 63 Subpart DDDDD by January 31, 2016.

40 CFR 63.7495 (d)

This condition states the notification requirements of the boiler MACT.

40 CFR 63.7500 (a) (1)

These conditions state what emission limits and management practices affected sources with which the owner or operator must comply

40 CFR 63.7500 (a) (3)

This condition states that the owner or operator must operate and maintain the affected source consistent with good air control practices

40 CFR 63.7505 (c)

This condition states that compliance must be demonstrated through performance tests, fuel



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analysis, or continuous monitoring system

40 CFR 63.7505 (d)

This condition states that owners or operators of industrial, commercial, and institutional boilers who demonstrate compliance with any applicable emission limit through stack testing and subsequent compliance with operating limits must develop a site-specific monitoring plan

40 CFR 63.7510 (c)

This condition states the initial compliance requirements for sources subject to a carbon monoxide limit

40 CFR 63.7515 (e)

This condition states how the owner or operator complies with the fuel analysis requirements

40 CFR 63.7515 (f)

This condition states the requirements for performance test reports

40 CFR 63.7520

This regulation sets forth the requirements for stack tests to be conducted on industrial, commercial and institutional boilers at facilities that emit hazardous air pollutants.

40 CFR 63.7521 (a)

This condition states the procedures used to conduct a fuel analysis

40 CFR 63.7522

This condition states the procedure to average existing boilers and process heaters emissions of particulate matter, hydrogen chloride, and mercury

40 CFR 63.7525 (a)

This regulation requires the installation of a continuous oxygen monitor at the outlet of the boiler.

40 CFR 63.7525 (d)



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This condition states the procedures to install, operate, and maintain a continuous parameter monitoring system

40 CFR 63.7525 (f)

This condition states the requirements for pressure monitoring systems

40 CFR 63.7530 (a)

This condition requires performance testing to show initial compliance with the emission limits and to establish operating limits.

40 CFR 63.7530 (c)

If the facility chooses to show compliance with some of the limits through fuel analysis, then the requirements of this subpart must be followed.

40 CFR 63.7530 (e)

A signed certification must be included with the notice of compliance status.

40 CFR 63.7530 (f)

This condition states the owner or operator must submit the notification of compliance status in the initial compliance demonstration.

40 CFR 63.7530 (h)

This condition requires the facility meet the work practice standards set forth in the regulation for the specific type of facility it is operating.

40 CFR 63.7535

This condition establishes a minimum amount of data to be collected and a site-specific monitoring plan to be established.



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40 CFR 63.7540 (a)

This condition states how to demonstrate continuous compliance with emission limits, work practice standards, and operating limits.

40 CFR 63.7540 (d)

For start-up and shut-down, the facility must meet the work practice standards.

40 CFR 63.7545 (d)

This condition states when a notification of intent to conduct a performance test must be submitted

40 CFR 63.7545 (e)

This condition states the requirements of the notification of compliance status

40 CFR 63.7550 (b)

This condition states when reports must be submitted.

40 CFR 63.7550 (c)

This condition states the requirements for the compliance report

40 CFR 63.7550 (e)

This condition states the requirements for reporting deviations at facilities using a continuous monitoring system

40 CFR 63.7550 (h)

The reports are due in accordance with the schedule in the regulation as it applies to this facility.



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40 CFR 63.7555 (a)

This condition states what records must be kept

40 CFR 63.7555 (c)

This condition states the recordkeeping requirements for monitored data

40 CFR 63.7555 (i)

This condition states what records must be kept for startup and shutdown.

40 CFR 63.7555 (j)

This condition states what records must be kept regarding fuels used during startup and shutdown.

40 CFR 63.7560

This condition states in what form the records must be kept

40 CFR 63.7565

This regulation specifies which provisions of the General provisions (Subpart A of 40 CFR 63) apply to the owner or operators of industrial, commercial, and institutional boilers at major source facilities of hazardous air pollutants.

40 CFR 97.406

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart AAAAA; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of Nitrogen Oxide (NOx) and to hold TR annual NOx allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR 97.506

This condition provides the general requirements for implementing EPAs Transport Rule (TR) 40 CFR Part 97, Subpart BBBBB; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of Nitrogen Oxide (NOx) during the ozone season (May through September) and to hold TR ozone season NOx allowances



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sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR 97.606

This condition provides the general requirements for implementing EPA's Transport Rule (TR) 40 CFR Part 97, Subpart CCCCC; intended to reduce the interstate transport of fine particulate matter and ozone. This particular condition requires facilities to measure and report their emissions of sulfur dioxide (SO₂) annually and to hold TR annual SO₂ allowances sufficient to cover these emissions. Commonly referred to as a budget trading program, each State has an established 'budget' of emissions that are distributed or sold to facilities, which, in turn, can only emit as much as they hold in allowances.

40 CFR Part 60, Subpart A

This regulation contains the General Provisions of 40 CFR 60. The facility owner is responsible for reviewing these general provisions in detail and complying with all applicable technical, administrative and reporting requirements

40 CFR Part 60, Subpart Db

The boilers are subject to the requirements of this subpart.

40 CFR Part 63, Subpart ZZZZ

This regulation defines performance standards for stationary reciprocating internal combustion engines.

40 CFR Part 64

The federal Compliance Assurance Monitoring (CAM) rule, 40 CFR Part 64, requires monitoring of control device, capture system, and/or process parameters to provide a reasonable assurance of compliance with emission limitations or standards. It applies to emission units that use a control device to comply with certain standards and limitations and that have potential pre-control device emissions equal to or greater than a major source threshold.

Acid Rain program requirements; stratospheric ozone protection requirements; post-1990 New Source Performance Standards, Emission Guidelines, and National Emission Standards for Hazardous Air Pollutants; and some other limitations are exempt from CAM. However, many of the exempt requirements are subject to less stringent periodic monitoring under 40 CFR Part 70 and 6NYCRR Subpart 201-6.

6 NYCRR 201-6.4 (a) (4)

This mandatory requirement applies to all Title V facilities. It requires the permittee to provide any information that the Department may request in writing, within a reasonable time, in order to determine



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whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit. The request may include copies of records required to be kept by the permit.

6 NYCRR 201-6.4 (a) (7)

This is a mandatory condition that requires the owner or operator of a facility subject to Title V requirements to pay all applicable fees associated with the emissions from their facility.

6 NYCRR 201-6.4 (a) (8)

This is a mandatory condition for all facilities subject to Title V requirements. It allows the Department to inspect the facility to determine compliance with this permit, including copying records, sampling and monitoring, as necessary.

6 NYCRR 201-6.4 (c)

This requirement specifies, in general terms, what information must be contained in any required compliance monitoring records and reports. This includes the date, time and place of any sampling, measurements and analyses; who performed the analyses; analytical techniques and methods used as well as any required QA/QC procedures; results of the analyses; the operating conditions at the time of sampling or measurement and the identification of any permit deviations. All such reports must also be certified by the designated responsible official of the facility.

6 NYCRR 201-6.4 (c) (2)

This requirement applies to all facilities subject to Title V requirements and specifies that all compliance monitoring and recordkeeping is to be conducted according to the terms and conditions of the permit and follow all QA requirements found in applicable regulations. It also requires monitoring records and supporting information to be retained for at least 5 years from the time of sampling, measurement, report or application. Support information is defined as including all calibration and maintenance records and all original strip-chart recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.

6 NYCRR 201-6.4 (c) (3) (ii)

This regulation specifies any reporting requirements incorporated into the permit must include provisions regarding the notification and reporting of permit deviations and incidences of noncompliance stating the probable cause of such deviations, and any corrective actions or preventive measures taken.

6 NYCRR 201-6.4 (d) (4)

This condition applies to every Title V facility subject to a compliance schedule. It requires that reports, detailing the status of progress on achieving compliance with emission standards, be submitted



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semiannually.

6 NYCRR 201-6.4 (f) (6)

This condition allows changes to be made at the facility, without modifying the permit, provided the changes do not cause an emission limit contained in this permit to be exceeded. The owner or operator of the facility must notify the Department of the change. It is applicable to all Title V permits which may be subject to an off permit change.

6 NYCRR 211.1

This regulation requires that 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.

6 NYCRR 225-1.2

This section of the regulation establishes sulfur-in-fuel limitations for coal, residual oil, distillate oil, and waste oil.

6 NYCRR 227.2 (b) (1)

This regulation is from the 1972 version of Part 227 and still remains as part of New York's SIP. The rule establishes a particulate limit of 0.10 lbs/mmBtu based on a 2 hour average emission for any oil fired stationary combustion installation.

6 NYCRR 227-1.3 (a)

This regulation prohibits any person from operating a stationary combustion installation which emits smoke equal to or greater than 20% opacity except for one six-minute period per hour of not more than 27% opacity.

6 NYCRR 227-2.1

This condition notes that a facility is subject to the reasonably available control technology (RACT) for oxides of nitrogen (NOx). In this case, the boilers are required to submit a NOx RACT analysis for the control of emissions.

6 NYCRR 231-3.1

The purpose of this Part is to establish the new source review (NSR) preconstruction, construction and operation requirements for new and modified facilities in a manner



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which furthers the policy and objectives of Article 19 of the Environmental Conservation Law, and meets the Plan Requirements for Nonattainment Areas (Part D) and Prevention of Significant Deterioration (PSD) of Air Quality (Part C) of subchapter I of the Act.

6 NYCRR 242-1.5

His regulation requires that the facility hold enough carbon dioxide allowances in their carbon dioxide budget at least equal to the amount of carbon dioxide emitted from the facility each year.

6 NYCRR 243-1.6 (a)

This condition requires the facility to acknowledge that they are subject to this CAIR regulation and provide owner and contact information. It also requires them to update this information as it changes or provide supplemental information at the Departments request.

6 NYCRR 243-1.6 (b)

This condition obligates the owners and operators of the facility to comply with the monitoring and reporting requirements of the CAIR regulations.

6 NYCRR 243-1.6 (c)

This citation explains the general provisions of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program. This ozone season NOx cap and trade program runs from May 1 through September 30 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NOx Ozone Season allowances that is not less than the total tons of NOx emissions for the ozone season.

6 NYCRR 243-1.6 (d)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains some of the penalties that can be imposed on a CAIR NOx Ozone Season source that does not surrender enough CAIR NOx Ozone Season allowances to cover their NOx Ozone Season emissions.

6 NYCRR 243-1.6 (e)

This citation for the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program requires that all reports be submitted as required by this program, and that copies of all records and submissions made for this program be kept on site for at least five years.

6 NYCRR 243-2.1

This citation of the Clean Air Interstate Rule (CAIR) NOx Ozone Season Trading Program explains that a CAIR NOx Ozone Season designated representative must be selected to submit, sign and certify each submission on behalf of the source for this program.



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6 NYCRR 243-2.4

This condition describes the required elements of the "Certificate of Representation" for the CAIR program and the certifying language required with submissions to the Department.

6 NYCRR 243-8.1

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains that CAIR NO_x Ozone Season Trading Program sources must install, certify and operate monitoring systems that meet the monitoring, recordkeeping, and reporting requirements in Subpart 6 NYCRR 243-8 and in Subpart H of 40 CFR Part 75.

6 NYCRR 243-8.3

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains what to do when an emission monitoring system fails quality assurance, quality control, or data validation requirements.

6 NYCRR 243-8.5 (d)

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains what requirements the quarterly reports must meet.

6 NYCRR 243-8.5 (e)

This citation of the Clean Air Interstate Rule (CAIR) NO_x Ozone Season Trading Program explains the compliance certification requirements the source must follow for each quarterly report.

6 NYCRR Subpart 201-7

This regulation sets forth an emission cap that cannot be exceeded by the facility. In this permit that cap is 234 tpy of CO emissions.

6 NYCRR Subpart 231-8

This subpart applies to modifications to existing major facilities in attainment areas (prevention of significant deterioration (PSD)).

6 NYCRR Subpart 242-4

This citation requires that an Annual Compliance Certification report be submitted by March 1st, on an annual basis, certifying compliance with the CO₂ Budget Trading Program.



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6 NYCRR Subpart 242-8

Citation 6NYCRR Part 242-8.5 requires that the record keeping and reporting requirements of 40 CFR Part 75.73 and 6NYCRR Part 242-2.1(e) be followed, that a CO₂ monitoring plan(s) be submitted, that the CO₂ emission monitor(s) be certified, and that CO₂ emissions be reported quarterly in an electronic format.

6 NYCRR Subpart 244-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) Nitrogen Oxide (NO_x) Annual Trading Program. The control period for this annual NO_x cap and trade program runs from January 1 to December 31 each year, starting in 2009. Each source shall hold a tonnage equivalent in CAIR NO_x allowances that is not less than the total tons of NO_x emissions for the control period.

6 NYCRR Subpart 244-2

Each Clean Air Interstate Rule (CAIR) NO_x source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR NO_x Annual Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 244-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR NO_x unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 244-8 and in 40 CFR Part 75, Subparts F and G. A certified NO_x emission monitoring system must be used to measure NO_x emissions. NO_x emission reports must be certified and submitted quarterly.

6 NYCRR Subpart 245-1

This subpart explains the general provisions of the Clean Air Interstate Rule (CAIR) sulfur dioxide (SO₂) Trading Program. The control period for this annual SO₂ cap and trade program runs from January 1 to December 31, starting in the year 2010. Each source shall hold a tonnage equivalent in CAIR SO₂ allowances that is not less than the total tons of SO₂ emissions for the control period.

6 NYCRR Subpart 245-2

Each Clean Air Interstate Rule (CAIR) SO₂ source shall have one CAIR designated representative and may have one alternate representative. Each submission for the CAIR SO₂ Trading Program shall be submitted, signed, and certified by the CAIR designated representative or the alternate representative.

6 NYCRR Subpart 245-8

The owners, operators, and Clean Air Interstate Rule (CAIR) designated representative of a CAIR SO₂ unit shall comply with the monitoring, recordkeeping, and reporting requirements as provided in Subpart 6 NYCRR Part 245-8 and in 40 CFR Part 75, Subparts F and G. A certified SO₂ emission monitoring system must be used to measure SO₂ emissions. SO₂ emission reports must be certified and submitted quarterly.



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Compliance Certification

Summary of monitoring activities at REENERGY BLACK RIVER:

Location Facility/EU/EP/Process/ES	Cond No.	Type of Monitoring
U-00001	72	record keeping/maintenance procedures
U-00005	98	record keeping/maintenance procedures
U-00001	3-61	record keeping/maintenance procedures
U-00001	79	record keeping/maintenance procedures
FACILITY	3-7	record keeping/maintenance procedures
FACILITY	3-9	continuous emission monitoring (cem)
FACILITY	3-10	intermittent emission testing
FACILITY	3-11	intermittent emission testing
FACILITY	3-12	intermittent emission testing
FACILITY	3-15	record keeping/maintenance procedures
FACILITY	3-17	record keeping/maintenance procedures
FACILITY	3-18	record keeping/maintenance procedures
U-00001/00001	3-62	record keeping/maintenance procedures
FACILITY	3-19	record keeping/maintenance procedures
FACILITY	3-20	record keeping/maintenance procedures
U-00001/00001	3-63	record keeping/maintenance procedures
FACILITY	3-21	record keeping/maintenance procedures
FACILITY	3-22	record keeping/maintenance procedures
FACILITY	3-23	record keeping/maintenance procedures
FACILITY	3-24	record keeping/maintenance procedures
FACILITY	3-25	record keeping/maintenance procedures
FACILITY	3-27	record keeping/maintenance procedures
U-00001/00001	3-64	record keeping/maintenance procedures
FACILITY	3-28	record keeping/maintenance procedures
FACILITY	3-31	record keeping/maintenance procedures
FACILITY	3-32	record keeping/maintenance procedures
FACILITY	3-33	record keeping/maintenance procedures
FACILITY	3-34	record keeping/maintenance procedures
FACILITY	3-35	record keeping/maintenance procedures
FACILITY	3-36	record keeping/maintenance procedures
FACILITY	3-37	record keeping/maintenance procedures
FACILITY	3-38	record keeping/maintenance procedures
FACILITY	3-39	record keeping/maintenance procedures
U-00002	3-72	record keeping/maintenance procedures
U-00002	3-73	record keeping/maintenance procedures
U-00002	3-74	record keeping/maintenance procedures
U-00002	3-75	monitoring of process or control device parameters as surrogate
U-00002	3-76	record keeping/maintenance procedures
U-00002	3-77	monitoring of process or control device parameters as surrogate
U-00002	3-79	record keeping/maintenance procedures
U-00002	86	record keeping/maintenance procedures



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U-00002	92	record keeping/maintenance procedures
U-00003	3-87	record keeping/maintenance procedures
U-00002	3-81	record keeping/maintenance procedures
U-00002	3-82	record keeping/maintenance procedures
U-00002	3-83	record keeping/maintenance procedures
U-00002	93	record keeping/maintenance procedures
U-00003	3-88	record keeping/maintenance procedures
FACILITY	54	record keeping/maintenance procedures
FACILITY	3-44	record keeping/maintenance procedures
FACILITY	3-45	record keeping/maintenance procedures
FACILITY	3-46	record keeping/maintenance procedures
FACILITY	17	record keeping/maintenance procedures
FACILITY	3-1	record keeping/maintenance procedures
FACILITY	22	record keeping/maintenance procedures
FACILITY	24	work practice involving specific operations
U-00001	3-47	record keeping/maintenance procedures
U-00001	3-48	record keeping/maintenance procedures
U-00001	3-49	continuous emission monitoring (cem)
U-00001	3-50	work practice involving specific operations
U-00001	3-51	continuous emission monitoring (cem)
U-00001	3-52	continuous emission monitoring (cem)
U-00001	3-53	work practice involving specific operations
U-00001	3-54	monitoring of process or control device parameters as surrogate
U-00001	3-55	monitoring of process or control device parameters as surrogate
U-00001	3-56	intermittent emission testing
U-00001	3-57	continuous emission monitoring (cem)
U-00001	3-58	continuous emission monitoring (cem)
U-00001	3-59	work practice involving specific operations
U-00001	3-60	continuous emission monitoring (cem)
FACILITY	2	record keeping/maintenance procedures
FACILITY	3-4	work practice involving specific operations
FACILITY	28	intermittent emission testing
U-00001/00001	81	monitoring of process or control device parameters as surrogate
FACILITY	3-5	record keeping/maintenance procedures
FACILITY	3-6	record keeping/maintenance procedures
FACILITY	29	monitoring of process or control device parameters as surrogate
FACILITY	105	record keeping/maintenance procedures
FACILITY	106	record keeping/maintenance procedures
FACILITY	107	record keeping/maintenance procedures
FACILITY	108	record keeping/maintenance procedures
FACILITY	45	record keeping/maintenance procedures
FACILITY	46	record keeping/maintenance procedures
FACILITY	47	record keeping/maintenance procedures
FACILITY	50	record keeping/maintenance procedures

Basis for Monitoring

Basis for Monitoring

Condition 2 - The facility is required to submit annual statements to the Department detailing the annual emissions the facility generated.

Condition 3-1 - This condition is codified under 6 NYCRR Part 201-6.4(c)(3)(ii), and requires the subject facility to submit semi-annual reports to certify compliance with every condition in the permit



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Condition 3-2 - Under 6 NYCRR Part 225, facility fuel sulfur is limited to 0.0015% by weight.

Condition 3-3 - This condition requires the facility to monitor the steam flow from the three circulating fluidized bed boilers as a surrogate measurement to heat input. Since steam flow is a function of boiler efficiency, the facility must also determine the average combustion efficiency of the 3 boilers.

Condition 3-4-Sulfur in #2 fuel oil is limited to 0.0015% by weight. The fuel sulfur is monitored at each delivery.

Condition 17 - This condition is a requirement to use DAR-3, Alternative Fuels, to evaluate the suitability of alternative fuels for use in the three circulating fluidized bed boilers. This condition is written under 6 NYCRR Part 201-6.4(a)(8).

Condition 22 - This condition is codified under 6 NYCRR Part 201-6.5(e), and requires the subject facility to submit annual certification reports to determine compliance with their permit.

Condition 24 - This condition requires the subject facility to limit operation of the emergency diesel generators(emission sources E0004, E0005, and E0006) to 500 hours per year calculated on a monthly rolling basis. This condition caps facility emissions and is therefore codified under 6 NYCRR Part 201-7. The generators are unable to run when the boilers are producing power. They strictly run in emergencies.

Condition 27 - This condition specifies that ReEnergy is subject to NOx Reasonably Available Control Technology (RACT) under 6 NYCRR Part 227-2 and must submit a NOx RACT analysis describing applicable NOx control technologies and a cost analysis within 6 months after permit issuance.

Condition 28 - This condition requires ReEnergy to perform stack testing while firing fuel oil to determine compliance with the 6 NYCRR Part 227.2(b)(1).

Condition 29 - This condition requires ReEnergy under 6 NYCRR Part 231-8, to calculate and maintain records of the carbon dioxide equivalents emissions to determine compliance with the permit limit of 658, 951 tons per year calculated on a monthly rolling basis.

Condition 3-47 -The facility is required to monitor the waste wood entering the boiler. This is done by employing a grid test to 1 out of 5 loads as they come into the plant. 20% is the maximum.

Condition 3-48 -The facility is required to conduct an ultimate and proximate analysis of the waste wood being used as alternative fuel under the requirements of the Beneficial Use Determination (BUD). This must be done at least once per year from each supplier.

Condition 3-49 -The emissions of Oxides of Nitrogen (NOx) from the boilers are limited to 538.0 tons per year. This is monitored continuously with Continuous Emissions Monitors (CEMs), is an annual maximum rolled monthly and reported quarterly.

Condition 3-50 -The maximum amount of alternative fuels that can be fired with the wood chips is 30% by weight. Each delivery is monitored and then reported quarterly.

Condition 3-51 -The sulfur dioxide is limited to 0.20 lbs per million Btus of heat input.



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The emissions are continuously monitored with CEMS and is a 30 day average rolled daily and reported quarterly.

Condition 3-52 - This condition limits the facility NO_x emissions from the 3 circulating fluidized bed boilers to 0.170 lb/mmbtu. This condition is based on Prevention of Significant Deterioration (PSD) rules under 6 NYCRR Part 231. The averaging method is a 24 hr average during the ozone season May 1st through September 30 and a 30 day average the rest of the year.

Condition 3-53 - This condition limits annual heat input to 6.330E6 mmbtu/yr calculated on a 12 month maximum rolled monthly. This condition is based on 6 NYCRR Part 231.

Condition 3-54 -The facility can monitor steam flow as a surrogate to heat input. Slightly less than 206,000 lbs/hr corresponds to the per boiler maximum of 300 mmBtu/hr established during testing. This is continuously monitored and is a 1 hr average reported quarterly.

Condition 3-55 -The total steam production is limited to 617,000 pounds per hr on a 24 hr block average. If the facility chooses to use this as a surrogate to measuring heat input, average combustion efficiency would need to be calibrated and updated for each 24 hr averaging period.

Condition 3-56 -A BACT determination was done and determined that 0.015 lbs/mmBtu of PM/PM-10 was BACT. Emission are controlled using a baghouse which is subject to the CAM rule. The facility is following the CAM plan submitted to the department to ensure compliance.

Condition 3-57 - Carbon Monoxide emissions are limited to 234.1 tons per year under PSD rules, 6 NYCRR Part 231. The facility uses a CEMS to show continuous compliance with an annual total rolled daily and reported on a quarterly basis.

Condition 3-58 - Carbon Monoxide emissions are limited to 2300 lbs per day, and not more than two days per month not to exceed 7800 lbs/hr under PSD rules, 6 NYCRR Part 231. In general, the facility runs well below this level. This will help to accommodate for fluctuations in the fuels and start ups and shutdowns. The facility is still required to remain in compliance with the overall Carbon Monoxide cap of 234.1 tons per year. This affords flexibility under the overall cap to be able to burn fuels that can be variable. The short term National ambient air quality standard will not be contravened in any case.

Condition 3-59 -The heat input of the boilers are limited to 900 mmBtu/hr. This is a maximum not to be exceeded at any time and will be monitored continuously.

Condition 45 - Under 6 NYCRR Part 244-1, ReEnergy is required to maintain sufficient NO_x allowances in their compliance account under the Clean Air Interstate Rule (CAIR) to cover their NO_x emissions.

Condition 46 - Under 6 NYCRR Part 244-2, ReEnergy is required to designate one CAIR representative and an alternate. Each submission under the CAIR program, the designated representative must submit, sign and certify compliance with the CAIR program.

Condition 47 - Under 6 NYCRR Part 244-2, ReEnergy must comply the recordkeeping and reporting requirements of this section. That includes a quarterly certification report in



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a format prescribed by the Administrator.

Condition 50 - Under 6 NYCRR Part 245-1, ReEnergy is required to maintain sufficient SO₂ allowances in their compliance account under the Clean Air Interstate Rule (CAIR) to cover their SO₂ emissions.

Condition 3-6 - Under 6 NYCRR Part 231, ReEnergy must place a summary of emission limits and operating limits for the facility in view for the facility operator to use.

Condition 54- Under 40 CFR 64, the Compliance Assistance Monitoring (CAM) rule, ReEnergy must submit how they will comply with this rule including an indicator or surrogate that will be monitored to show compliance with the applicable emission limit or emission standard, the ranges for such indicators, or the process by which such indicator ranges for the CEMs, COMs, or PEMs. Plus, ReEnergy must submit an annual report of summarizing any excursions, causes of such excursions and corrective actions. Also, ReEnergy must provide the number of, causes, and corrective actions for monitor downtime.

Condition 58 - Under 6 NYCRR Part 231, ReEnergy must post a list of a emission and operating limits in the control room for the control room personnel.

Condition 59 - Under 6 NYCRR Part 231, ReEnergy must analyze glued wood, creosote treated wood, and construction and demolition debris using a proximate and ultimate analysis to confirm that those materials meet the approved Beneficial Use Determination (BUD) document. Further, this condition discusses what an proximate and ultimate analysis entail.

Condition 60 - Under 6 NYCRR Part 231, ReEnergy must limit Nitrogen Oxide (NO_x) emissions to 538.0 tons per year.

Condition 61 - Under 6 NYCRR Part 231, ReEnergy must limit Carbon Monoxide (CO) emissions to 234.1 tons per year.

Condition 62 - Under 6 NYCRR Part 231, alternative fuels are limited to 30 % of the total fuel mix by weight.

Condition 63 - Under 6 NYCRR Part 231, ReEnergy must monitor steam flow as a surrogate to monitoring heat input. In addition, ReEnergy must measure and calibrate the boiler efficiency every month.

Condition 65 - Under 6 NYCRR Part 231, ReEnergy must employ the grid test on every 5 load of wood from each supplier, to determine the amount of glued wood and painted wood in those loads.

Condition 66 - Under 6 NYCRR Part 231, ReEnergy must limit Sulfur Dioxide (SO₂) emissions to 0.230 lbs per million btus of heat input for the three circulating fluidized bed boilers.

Condition 67 - Under 6 NYCRR Part 231, ReEnergy must limit Particulates (PM) emissions to 0.015 lbs per million btus of heat input for the three circulating fluidized bed boilers.

Condition 72 - Under 40 CFR 60.79(c), ReEnergy must submit semi-annual reports to the administrator as required under the applicable NSPS subpart Db. The condition further describes the what the report needs to contain and that the report must be



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submitted no more than 30 after the reporting period ends.

Condition 79 - This condition specifies that the ReEnergy three circulating fluidized bed boilers are subject to 40 CFR 60, Subpart Db.

Condition 81 - This condition, under 6 NYCRR Part 277-1.3(a), limits the three circulating fluidized bed boilers to 20% opacity on 6 minute average.

Condition 82 - This condition, under 6 NYCRR Part 231, limits the heat input of the three circulating fluidized bed boilers to 6.33 million btus per year, which is a 12 month rolling total.

Condition 86 - This condition, under 40 CFR 63.6445(a), requires ReEnergy to submit all notifications required under 40 CFR 63.7, 40 CFR 63.8, and 40 CFR 63.9 for the 3 emergency diesel generators.

Condition 92 - Under 40 CFR 63.6655(a), ReEnergy maintain the records required in paragraphs 1-5 for the three emergency diesel generators.

Condition 93 - As required under 40 CFR 63.6660, ReEnergy must maintain the records required under 40 CFR 63.10(B)(1) for the emergency diesel generators.

Condition 98 - Under 40 CFR 60.7, ReEnergy is required to submit excess emission reports as prescribed in this condition.

Condition 105 - Under 6 NYCRR Part 242-1.5, the authorized account representative for the Carbon Dioxide (CO₂) budget, shall comply with the monitoring requirements of 6 NYCRR Part 242-8.

Condition 106 - Under 6 NYCRR Part 242-1.5, the monitoring records required by this condition shall be maintained onsite for a period of at least 10 years.

Condition 107 - Under 6 NYCRR Part 242-4, this condition specifies the certification report requirements for the CO₂ budget.

Condition 108 - Under 6 NYCRR Part 242-8.5, this condition requires the authorized account representative to comply with all the reporting and recordkeeping requirements for the CO₂ budget from this section.

The requirements for 40 CFR 63 subpart DDDDD were added to the permit. This is the National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters. The 3 boilers are subject to it's provisions for the emissions of mercury, Hydrogen Chloride, and PM. The requirements written in the permit are as written in the regulation. Monitoring requirements were written to ensure compliance and reporting requirements are semi-annually. The facility uses a COM, CEMS and Parametric monitoring limits established during stack testing to ensure continuous compliance. The conditions listed in the permit for this regulation are 3-7 through 3-40, and 3-62 through 3-65.

The requirements for 40 CFR 63 subpart ZZZZ were added to the permit based on the conditions written by EPA. The Department has not accepted delegation of the regulation at this time. These are the National Emissions Standards for Hazardous Air Pollutants for



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Stationary Reciprocating Internal Combustion Engines. The 3 emergency generators are subject to it's provisions. The generators are strictly for emergency situations. They are currently set up to be able to run only when the boilers have tripped offline and are not producing power. As long as the boilers are producing power, the generators cannot run. They are capped to run no more than 500 hrs per year. The requirements written in the permit are as written in the regulation. Monitoring requirements were written to ensure compliance and reporting requirements are semi-annually. The conditions listed in the permit for this regulation are 52, 53, 85 through 93, 3-41 through 3-43, and 3-66 through 3-89.